

BEGINNING OF THE END

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Forward by
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FORWARD

The history of Indian States has always been a fascinating subject of study. The Rulers of many of them claim ancient lineage while a majority are the product of the unsettled and chaotic conditions which followed the downfall of the Moghuls. Some, however, were the creatures of British Rule intended to serve an imperialist purpose. It was on this variety that the Political Department of the Government of India before 1935 and Crown Representative between 1935 and 1946 sought to superimpose a uniformity of usage, conventions and practice. They were all bound together partly by a community of political interests but largely by an all pervading Paramount Power which never even pretended to limit the scope of its functions.

2. The great historian Gibbon said in another connection: "The history of Asiatic dynasties is one unceasing round of valour, greatness, degeneracy and decay." With a Paramount Power functioning in its unlimited sphere, there was neither scope for valour nor for greatness for these princes. The choice between degeneracy and an honourable existence depended on the personal attributes of the Ruler. So long as an outside power was there to buttress the personal rule, there was no possibility of decay. With the process of democratisation in the neighbouring areas, going on with the British conception of inevitability of gradualness but receiving impetus under the impact of nationalist forces, Indian States could not long remain the citadels of autocracy. The bastions gradually began to give way, but there also, the bigger and more forward States under the guidance and inspiration of wise and liberal Rulers and the statesmanship and progressive outlook of their Prime Ministers forged ahead while the smaller

States continued to be wrapped up in the dark cloaks of authoritarian rule. As, however, the influence of economics and politics began to play its decisive role, the isolation of smaller Rulerships began to give way and the economic, social and political interests of the people asserted themselves.

3. While this silent process, occasionally brought into prominence by repressive activity on the part of the authorities, was going on, cracks began to appear in the structure of the Paramount Power itself. Outside powers that held these Rulers aloof from infectious contacts of indigenous politicians at last came near extinction. They tried to administer some parting kicks, but ultimately they had to go and with them departed many a barrier that had existed between those who were after all the children of the soil. Hesitancy and even reluctance to enter into any political relationship with the "untouchables" of yesterday began to give place to a desire for a closer association; dependence on a Paramount Power yielded to reliance on popular goodwill; distrust of politicians was displaced by mutual trust and confidence : in short, almost overnight the whole scene changed and both parties realised that only in the pooling of resources and in greater association with popular institutions lay the prospects of achieving unity, peace and security in India. It was in this atmosphere of a great psychological change and fast disappearing barriers that I had the privilege of initiating the twin process of integration and democratisation, which, from its small beginnings in distant Orissa, has gradually swept over the whole of the sub-continent. Centuries ago, it was the proud privilege of *Kalinga* to arouse awakening in a great monarch who became in the course of time not only a great and wise Sovereign and Suzerain, but also a great guide, friend and philosopher of his people. Few had dreamt and none had imagined that it would be from the same land that will start a revolutionary change which would achieve for India the same measure of unity and strength and security which India had attained under that distinguished Ruler, Ashoka.

4. Harekrishna Mahtab in the pages that follow has given the reader the background and history of that small beginning. A true patriot in that he loves Orissa, but loves India more, a practical statesman and a born leader of men. Mahtab has carved out for himself a name which will live in Orissa's history. These few pages which he has written show how more than ten years ago he conceived a future for Orissa which he had the good fortune to realise in his own lifetime. It has also been his proud privilege not only to make that future, but also to lay the foundations of a brighter future still. Coming from him this history acquires, therefore, a special significance. He was the living spirit in that drama, his was the enthusiasm which triumphed over difficulties and his was the persistence which at last succeeded. I am happy that I helped him to realise what was not only his dream and his ambition, but also the dream and ambition of all Oriyas. I am happier still that it was that backward Province, as they call it, which led the way for the rest of India to follow.

The reader will realise as he reads through the narrative and the valuable appendices attached to it what difficulties and obstacles lay in the path of a statesman since the passing of the Government of India Act of 1935. Before that year there was a unity at least at the top of the administration. Those who wielded the Sceptre, however, sought to resist the onward rush of democracy by breaking it into pieces. Retribution overtook them and they were engulfed by the rising tide of democratic forces. All this change is epitomised in the story which this book reveals clearly and succinctly without those literary flourishes which often obscure thought, and those cobwebs of prejudice which often cloud judgment.

The documents which Mahtab has collected for the education of his readers speak for themselves. It is now for the historian to judge between the rights and the wrongs of the

actions that were taken, to apportion blame or credit between the personalities that play their part and finally to deduce those lessons which make history such an interesting philosophy.

Vallabhbhai Patel.

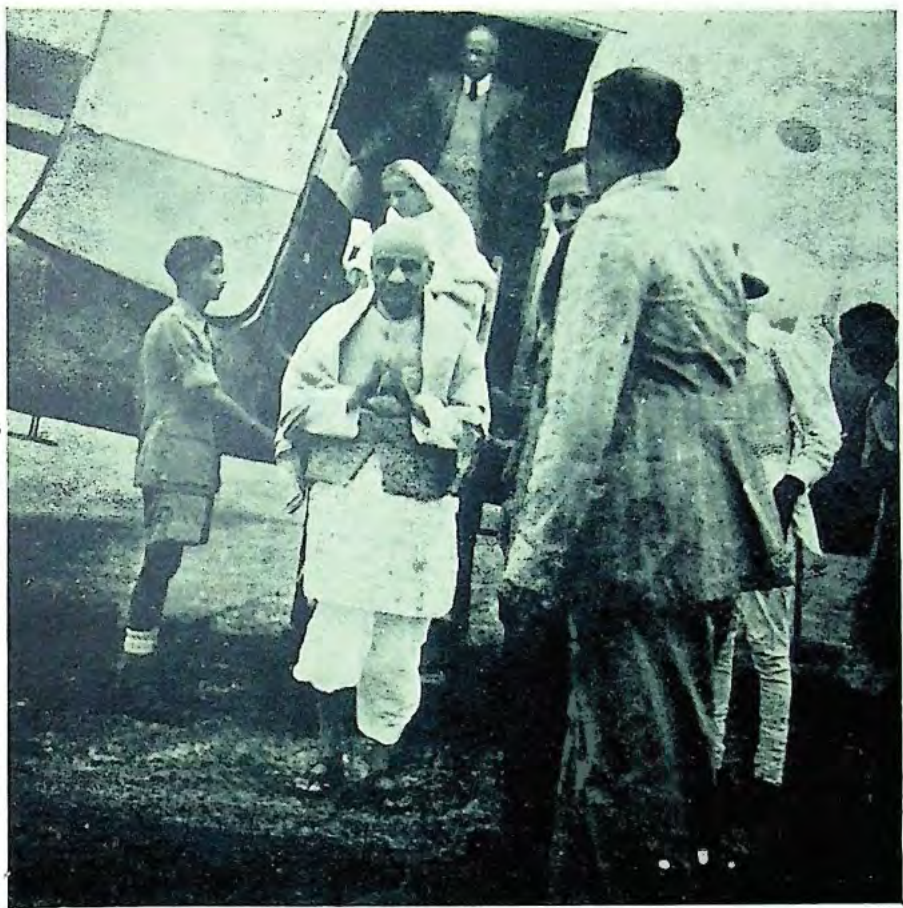
New Delhi,
The 11th November, 1949.

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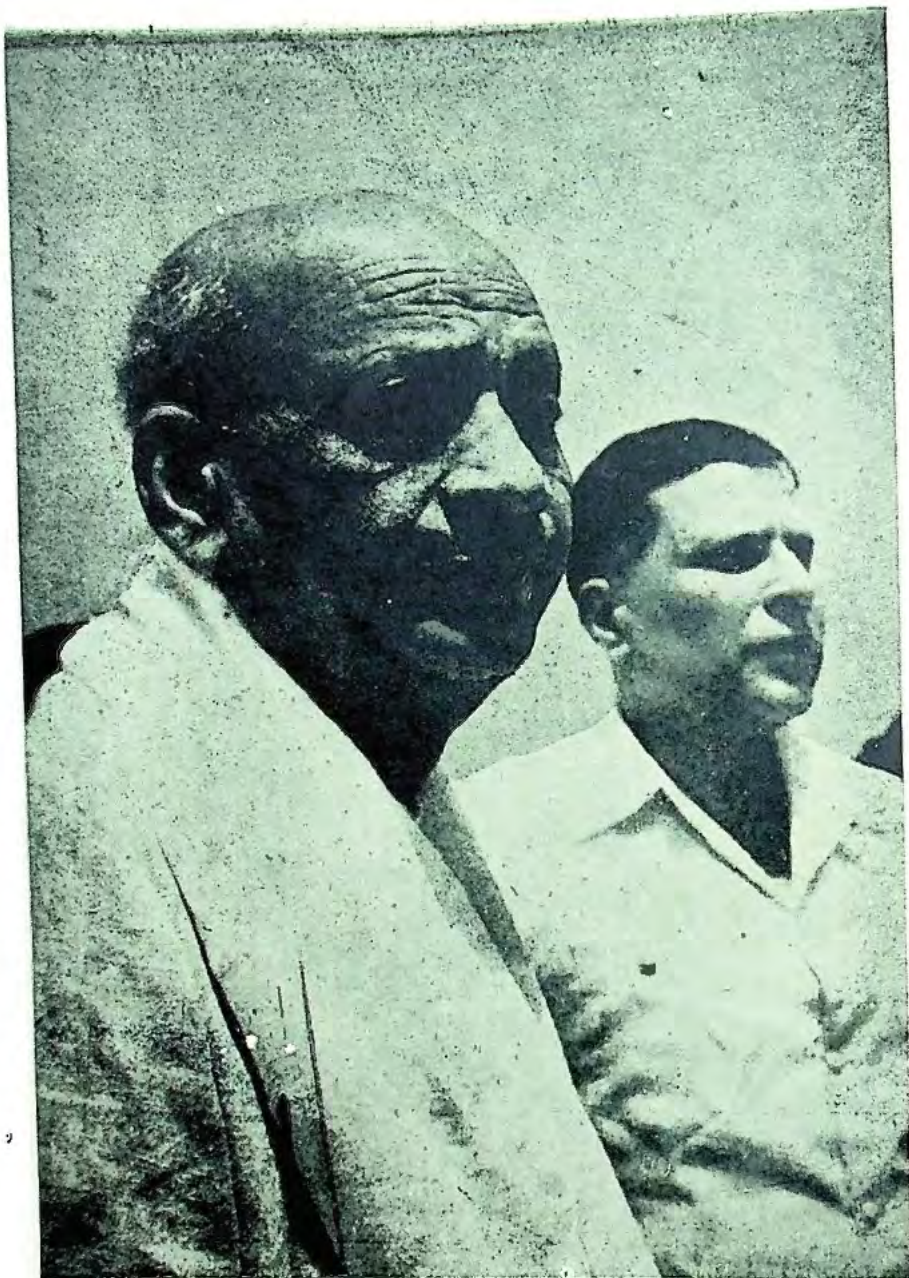
Sardar Patel & Miss Maniben Patel with Mr. V. P. Menon, secretary to the Govt. of India, Ministry of States, landing on Orissa on their mission



Procession from Bhubaneswar to Cuttack



Hon'ble Patel & Miss Maniben Patel with the Rulers of Orissa



Sardar Vallabhbhai Patel and Dr. Harekrushna Mahtab

BEGINNING OF THE END

I

THEY say, they were sovereigns,—were they ?

Maharaja Pratap Chandra Bhanj Deo of Mayurbhanj answers this question in his letter dated 9th May, 1946, addressed to Maharawl of Dungarpur.

“Let us consider our present position. It is not enviable. With the limitations and restrictions imposed on our authority by the crown department, our capacity for good (or for evil) is very limited. Besides, constant interference even in the day to day administration of the State, our private affairs do not escape the scrutiny of the Resident. Our authority is a farce, the real Rulers are the Residents and the Political Officers. We are puppets and tools in their hands. Our protests and representations against their interference are ignored. The will of the British Government in India must be and is carried out, whether under the cloak of ‘advice’ or open pressure. We are powerless to resist, because we lost all powers to resist long ago. The yellow patches on the map of India are a mockery. We may have hundred chamber organisations to plead our case, but what use would they be in a court where the prosecutor and the judge are the same person ? Now, take the other side of the picture. We are nothing but anachronisms and feudalistic relics

to the vast majority of our political minded countrymen. They have no sympathy for us. They feel that we are the worst type of reactionaries, and had it not been for us, the British rule would have long ago crumbled in India. There is no denying this, we have always taken a doubtful pride in having come to the rescue of the paramount power whenever it was in danger. This being the attitude of British Indians, we should not be surprised or hurt when our own people are also affected by this spirit. Sedition knows no frontiers. (Full text in Appendix I.)

Again, he writes to the Nawab of Bhopal on the 19th September, 1946 :—

“Let us frankly admit that during the long years of British suzerainty over Indian States, the Rulers have come to depend more and more upon the support of the Paramount power, and less and less on the support of their people. Indeed, one result of the British Policy towards Indian states, whether deliberately intended or not, has been to undermine the authority of the Rulers over their people. Our people have thus been gradually alienated from us. British India, again, while befriending the cause of our people has painted us as mischievous relics of an archaic system which is propped up by the British authorities merely, for their own purposes. The main prop of our existence is now being withdrawn. To my mind, it is idle to expect that we shall be able to find, at this late state, an equally strong substitute for it, either in a renewed support of our people, or reliable friendship of the British Indian, though for the time being we may be allowed to continue as a necessary evil to be got rid of in more favourable circumstances of the future. As time goes on, we shall perhaps appear more and more to be a barrier between the people of British India and the people of Indian States in their desire to come together in fulfilment of their common political idea.” (Full text in Appendix I.)

This was the real status of the Princess in India when they were proclaimed as 'Sovereigns' and made independent under the Independence of India Act, 1947. This Act passed by the British Parliament, recognised independence of India and Pakistan but provided for lapse of Paramountcy of the British crown over the so-called sovereign Indian States without passing that on to the succeeding independent states of India and Pakistan. Thus, when India was free in 1947, along with her, hundreds of small and big territories under the Indian princes became free to join India or Pakistan or form themselves into groups and remain independent of India and Pakistan. They might as well enter into treaties with any other country if they so liked. The institution of Paramountcy is a legal fiction created by the British to maintain their hold in a foreign land without appearing to be authoritarian.

Prof. Leon Duguit says in his "Law in the Modern State" :—

"Like most legal institutions under which European civilisation has developed sovereignty goes back in its origin to Roman Law. During the Feudal period it was almost completely eclipsed. Its appearance is a modern phenomenon. It was the action of Lawyers who mingled royal powers with the Roman Imperium and feudal Lordship to make the sovereign power of modern Law."

But the British empire in India surpassed the Roman Empire of Europe in creating the fiction of Paramountcy over Sovereignty. It may appear to be ludicrous today, when the empires are all gone but it was solemnly provided in the Government of India Act 1935 in Section 311 that :—

"Indian States include any territory whether described as State and an Estate, a Jagir or otherwise belonging to or under the suzerainty of a ruler who is under the suzerainty of his Majesty and not being a part of British India."

The illusion of double sovereignty, one under the other, was created in order to make a compromise with the professed

faith in Rule of Law in democracy and at the same time to secure the loyal services of a number of Indian princess to maintain the empire in this distant land.

The history of creation of the Princess has been thus stated precisely by Edward Thompson in his book **THE MAKING OF THE INDIAN PRINCES** :—

“India’s Political frame-work was made in twenty years in 1799-1819, between the death of Tipu Sultan and the elimination of the Peshwa. The period opens with the destruction of the Muslim Kingdom of Mysore and ends with the disintegration of the Maratha Confederacy into a series of separate chieftaincies. These two conquests gave the British the control of India.

“After Tipu’s destruction the Marathas remained. When they were finally beaten down, Modern India was formed and its map in essentials drawn. The arrangement was to stay until the slow process of time and the coming of new systems of political thinking made it an anachronism, calling for Round Table Conferences, White Papers, and their sequel in constitutional legislation and political offers. India as we knew it yesterday and the world has known it, was made in the space of these twenty years, first by the shattering of what Lord Wellesley styled ‘the Maharatta Empire’ and then, after a brief period of uncertain and faltering doctrine by Lord Hastings’ firm establishment of the States which has survived, each in the³ niche and status which was to be legally accepted as its own until our day. The Indian ‘Prince’ emerged in 1806, arising like the Puranic Urvasi, from the churning of the Ocean by the Gods and Demons, and received his position in India’s Polity in 1819.”

The Report of the Indian States Committee 1928-29 presided over by Sir Harcourt Butler has taken considerable pains to justify the existence of the States and protection thereof

on legal, constitutional and moral grounds. To one who reads the Report now, it will be extremely amazing to find, how human ingenuity can be worked up to find reasons for the most unreasonable policies and actions. In one place the Report says, "It is generally agreed that the states are *sui generis*, that there is no parallel to their position in history, that they are governed by a body of conventions and usages not quite like anything in the world". Conventions and usages could have been gradually established towards elimination of the problem of double suzerainty, but, on the contrary, as a definite policy the conventions and usages were developed in order to convert even small zamindars into princes claiming sovereignty ultimately. Even fair-minded Englishmen today will blush to read the portion of the Report wherein appears the following:—

"If any Government in the nature of a Dominion Government should be constituted in British India, such a Government would clearly be a new Government resting on a new and written constitution. The contingency has not arisen ; we are not directly concerned with it ; the relation of the States to such a Government would raise questions of law and policy which we can not now and here foreshadow in detail. We feel bound however to draw attention to the really grave apprehension of the Princes on this score , and to record our strong opinion that in view of the historical nature of the relationship between the Paramount Power and the Princes the latter should not be transferred without their own agreement to a relationship with a new Government in British India responsible to an Indian Legislature."

Had India agreed to remain as a Dominion under the British, the nightmare of securing the agreement of the Princes for forming a united India would have haunted the Indian Government all along without any result. Most certainly the consent would not have been obtained and India, instead of being one country, would have been divided into several countries. It is on this basis of the consent of the Princes being treated as a condition precedent to their joining India that

the problem of States was being foisted on the Indian leaders in the reply to their demand for independence. The problem of States was considered as a major one next to the Hindu-Muslim problem. Fortunately, India decided to have independence and she had it. Unfortunately, she had independence with Hindu-Muslim problem unsolved, the result of which was the creation of another State in India. It was fondly hoped by those who were opposing Indian independence that, the States also would create a similar problem as the communalist Muslims did, but fortunately, that did not happen.

II

IN FACT the British Government went on building up the princes as the third line of defence to fight back the force of nationalism which was bidding to make India free, the first line being the Muslims and the second, the scheduled castes and the tribes. By the time the Government of India Act 1935 was passed by the British Parliament, the princes in India had already been raised to the artificial status of sovereigns by more legal and political fiction. Fortunately for India, there were astute politicians in the States who could see through the game and took steps to thwart the effort of the British to obstruct India's freedom. As soon as the report of the Butler Committee was published, there was flutter in the circle of the politically conscious sections of the people in the princely States. Meetings were held at several places, questioning the recommendations of the Butler Committee. But, the British Parliament was in no mood to pay any heed to the murmurs which started in India.

But, there was a snag in the whole plan of the British, which their Statesmen could not anticipate. That was the possible repercussion of introduction of representative Governments in British India, in the States under the individual rule of the princes. After all, people of India are the same whether they are in the territory marked out as British India or

in that which is marked as Princely States. The administrative boundary artificially created can not make any difference in the feeling and outlook of the people towards the character of the administration they live in. This is the reason why mass movements burst in several princely states as soon as popular ministries were formed in the provinces under the Government of India Act 1935. The movement in the Orissa States was perhaps the most vigorous in character. In one of the small States, a British Military officer who was the political agent was killed by the mob. The oppression and humiliation which people in the States were helplessly tolerating so long became intolerable as soon as their kith and kin in the neighbouring districts in British India enjoyed full freedom under a popular Ministry. The movement was so great that at last the All India States People's Conference appointed a committee of enquiry to go into the grievances of the people in the Orissa States. I had the honour of being appointed the Chairman of the Committee, the other members being Shri Balwant Rai Mehta of Bhabnagar, Gujrat who became the Chief Minister, Gujrat later on and Shri Lalmohan Pattanaik, a respectable public man of Orissa. Sri S. S. Dharean who became a judge, then High Commission in U. K. and then the Governor of West Bengal was then a young lawyer working as the legal assistant of the Committee. In course of our enquiry, we brought to light the details of the uncivilised administration which was being perpetuated in the States with the support of the Political Department of the Viceroy of India.

Since I was appointed as Chairman of the Non-Official Enquiry Committee for the States, I had also to take interest in the movements which were then going on. Mahatma Gandhi and all other leaders of the Congress took keen interest in the movement in the States. The reports of repression in the Orissa States were regularly conveyed to Gandhiji and in the case of one State, namely Talcher, thousands of people left their hearths and homes and came away as refugees to Angul, a

neighbouring territory in the so-called British India. Gandhiji directed me to take charge of the movement and work under his directions. I tried my utmost to carry out his directions at every stage and this gave me an opportunity to study the problems in the States and their solution in great detail. I came to the conclusion that it was not feasible to have any kind of representative Government in the States because of their smallness in size, poor finances and lack of public life to challenge the Ruler now and then under whose aegis, the popular governments were to be formed. The only solution was to amalgamate the States with the Provinces. When I suggested this to my co-workers, many of them did not agree to my proposal. I insisted that the States should be amalgamated with the neighbouring provinces in the interest of the people. This was considered impracticable by many accredited leaders of the States people's movement. On this point, I had long controversy with my co-workers and also with All India States peoples conference.

Since I became thoroughly convinced of my position that the States should be amalgamated with the provinces and since I met obstruction from my co-workers on one side and the Rulers and the Political Department on the other, I had to study the history of these States. The more I studied the subject the more was I convinced that the so-called States of today were not originally 'States' but mere 'estates', and, for political reasons, these had been bolstered up as 'States' by the British Government. I continued my propaganda and I succeeded in making my co-workers agree to this proposition. When the Non-Official Enquiry Committee published their Report in 1939, they made the following unanimous recommendation :—

“The Committee recommend that, in view of the inherent inability of the Orissa States to support popular enlightened administrations within their areas and in view of the inevitability of a strong and irresistible popular demand from the people of these States for rights of Self-Government and Self-determination *the Sanads granted to the Rulers of the*

States by the Paramount Power should be cancelled and they may be treated as landlords of permanently settled estates such as Aul, Kujang and Kanika. That this could be done without doing any violence to the rights of these Chiefs, will be clear from a perusal and examination of their original status. The acceptance of this recommendation will bring these States under the Jurisdiction of autonomous provinces and the people concerned will be enabled to join hands with their brethren in the province of Orissa in their attempts to solve the problems common to them all."

This recommendation was welcomed even by leading Anglo-Indian papers such as "The Statesman" of Calcutta. Many papers in England too supported it. The case was so obviously correct that whoever applied his mind to the problem became convinced of the proposition that the States should be amalgamated with the provinces. But British policy, as it was then pursued by the Political Department, was standing in the way. The recommendations of the Enquiry Committee created a flutter in the Rulers' dovecot and also amongst the officers of the Political Department. I was then considered as the arch-enemy of the 'Princes'. Lord Linlithgow, the then Viceroy of India, agreed in principle to the proposal; but he could not venture to bring about a drastic change all at once. Since the War broke out in 1939, everybody's attention turned towards the political future of India and the Congress had to carry on its movement for winning independence. The question of amalgamation of the States with the provinces receded to the background for the time being.

This is the origin of the idea of merger of States with the provinces which was given effect by the great leader of the day, Sardar Vallabh Bhai Patel against the opinion of some of his colleagues in the Central Cabinet and even of own Ministry.

III

THIS is what Sardar said about merger on the occasion of the inauguration of the Provincial States Advisory Board set up by the Government of the Central Provinces, in 1948 :—

“I myself was looking for an opportunity to say a few words on the interesting and important subject of the States, and as you will realise, such opportunities do not often recur. Few people in India can realise, how this great change in the structure of the States has been brought, why it was so sudden and how far it is opportune to appraise its benefits and disadvantages.

“Let me first thank you for the address which you have presented and the kind terms in which you have spoken of, what you call, my achievements. I should like to explain to you how it was that the whole idea of integrating the States and bringing about their unification occurred to me. When I accepted the Home Membership of the Central Government, I had no idea that the work of the States Ministry would ever come to me or the picture that it would assume. After some time of my assumption of office, I received a report regarding the State of Bastar which has now merged in C.P.I. was told this State was full of resources, and it was merely a question of time that these resources could be turned into the service of the country. I was warned that these resources were going to be exploited to the prejudice of India and that all this wealth was to be mortgaged to Hyderabad State by means of a long lease. I was also informed that the Raja was a minor and a weakling and the Prime Minister, a foreigner. I immediately made enquiries of the Political Department, who first tried to evade it. But eventually the papers came to me. Then, I realised how far they had already gone and with what hurry they were trying to complete the whole deal. I told them that they could not barter

away the interest of the people of the state. The Political Department told me, that they were the guardians of the minor, and that they could enter into this contract in the interest of the minor. 'I told them that they were now going away and should not bother about their wards. Their guardianship would now devolve on us and they should do nothing without our agreement or which was contrary to the interests of the people. Before going, they invested the Ruler with full authority. I then called him to Delhi along with his relative, the Maharaja of Mayurbhanj, who is an intelligent and clever person. But I found that his relative had little influence over him. When I saw the Ruler how young and inexperienced he was, I felt that it was a sin to make him sign such an agreement. It was then that I was made fully conscious of the extent to which our interests were being prejudiced in every way by the machinations of the Political Department and came to the conclusion that the sooner we were rid of these people, the better. Their main aim was to further their own interests and to cause as much damage to India as possible. I came to the conclusion that the best course was to drive out the foreigners even at the cost of the partition of the country. It was also then that I felt that there was only one way to make the country safe and strong and that was the unification of the rest of India. Even then, however, I was not quite sure how far my efforts would meet with a satisfactory response from the Princely Order. As soon as my hands were free, I went to Orissa and called the Princes of the Eastern States together. I explained to them at length what my ideas were and how the solution that I had propounded, namely of merger in the province of Orissa was both in the interests of themselves and the people. But there would be no compulsion and they must sign only after they were convinced of the rightness of their course. They should place their signature only when they understood the nature of the document. Some of them, the smaller States, agreed after a few hours of deliberation

but the bigger rulers hesitated almost upto the end. I left Cuttack and was actually on the train, preparing to leave for the aerodrome when I received a message from them that I should delay my departure for some time. I could not do it indefinitely but agreed to stay on for another hour. At the end of that hour they had signed the agreement. Some people say that I compelled them to do it. This is all nonsense. The only compulsion that was exercised over them was that of events. I told them that speed was most important and that the greater the delay the more difficult would be the task of saving the States in future.

“From Orissa I came to Nagpur. Here without any compulsion or inducement I got the rulers of the Chattisgarh States to sign the merger agreement in twenty-four hours. Here again, I explained the full implications of what my proposals were and how they affected them and their people. You can ask them for yourself whether at all they signed under any compulsion.

“These were the beginning of the series of mergers and integrations which have subsequently taken place. But even these small beginnings were hailed by people in India and outside as a miracle. Whatever has since followed is due to the patriotism and wisdom of the Princes. I merely explained the significance of the scheme, which were unfolded to them from time to time. The Union of Saurashtra followed. Saurashtra contains more than half of the total number of Indian States. To unify such a large area of heterogenous elements was undoubtedly a great achievement but I got full support from the Princes, among them, some from whom people had not expected any co-operation. The Deccan States followed suit. They had already entered into arrangements for a separate existence on the basis of responsible Government to their people. But they were also influenced by the decisions which we took in Cuttack and Nagpur. Some young Rulers amongst them came to me and told me that, they wanted

to merge. I was pleased to see their desire to seek closer association with the Province of Bombay but they were doubtful whether other rulers would agree in view of the settlement which had been reached with the local Prajamandals. I told them this would not be a difficulty. After all, responsible Government for such small units was an impossibility. The Central Government would have to intervene in an emergency, if they came into conflict with the people or if the people themselves were faced with difficulties. The Central Government could not come to their rescue until they entered into an understanding with the Central Government right then. A deputation of all the rulers met me in Bombay and I explained this aspect of the matter. The people also agreed. Thereby we achieved the merger of these Deccan States into Bombay. The Gujarat Rulers followed suit.

“As an illustration of how we managed to achieve all this without any show of force or compulsion, I would give you one instance. When I went to Orissa, the Ruler of Mayurbhanj told me that he had granted full responsible Government to his people and that he could not sign any document without their consent. I told him, I fully understood that position and I could not compel either him or his people to come into the scheme of merger. But I warned him that some day or other he would have to regret staying away from the merger scheme. The position in his State, however, developed in such a manner that he was not able to visit it ever since he granted responsible Government. He was thoroughly disgusted with the way matters shaped their course. He, as I had foretold, regretted that he had not come into the scheme. Now, not only he but also his Prime Minister and the people realise that they should merge.”

Durga Das writes in his Book ‘India from Curzon to Nehru and After’ (page 282 onward) :—

“The integration of the Princely States with the rest of India was not planned in advance. Patel told me it was the result of fortuitous circumstances which were helped by the wave of nationalism in which the Princes were caught up. To this, however, may be added the prestige and authority of Patel himself. The merger of the smaller States began in Orissa by accident and the process spread from there to other areas.

“Narrating the story of the first merger, Patel told me that the idea had originated with Hare Krushna Mahatab, who formed in 1938 the State Praja Mandal, an organisation of the people living in the States of Orissa. This Orissa Congress leader proposed that the small States be merged with the provinces under British administration and the States People Conference appointed a committee with Mahatab as its Chairman to study the proposal in relation to Orissa. The committee recommended that the States be brought under the provincial Government as reforms in them, while they maintained their separateness, would have no value. Mahatab took up this matter with Cripps when he came to India in 1942. The Political Department agreed that this was the only feasible solution of the problem but did nothing about it. When India became independent, the British departed leaving the States as they were. Mahatab convinced Gandhi and Patel of the soundness of his scheme and he suggested to Patel in November 1947 that he should set the process in motion in Orissa.

“V. P. Menon, on the contrary proposed to Patel that a system of joint control, leaving some administrative powers in the hands of the Princes, should be evolved. Mahatab objected, saying this would only cause confusion and insisted that complete merger was the only solution. Patel agreed, and then the two leaders met in Cuttack and Bhubaneswar the entire memorandum relating to the merger of States was redrafted with the help of the Chief Secretary of the Provincial Government and what is more, reprinted overnight.

“The next day, when the rulers of Orissa conferred with Patel and Mahatab, they referred to the earlier memorandum of association which had been sent to them. Patel and Mahatab disowned knowledge of it. Patel then told the rulers, ‘If you do not accept our proposal, I do not take responsibility for law and order in your State. You take care of yourself.’ As the Praja Mandal leaders were ready to overthrow the Princes and effect merger by force, the rulers accepted the new scheme. Thus the first merger of States went through without a single incident in Orissa, to be followed in Chattisgarh, where the States were merged with the Central Provinces.”

IV

ORISSA being the originator of the idea of merger, and Orissa being the province where the risk was taken and merger was effected, clearing the way for the solution of a tricky problem created by the British, full story of the merger of Orissa States should be recorded for the use of the present and the future generations. The records available to me from the Resident's Office, Calcutta after its abolition following the merger have been made full use of in the narration of the story. The readers will know how both sides fought to the last to achieve their respective objectives. On one side, the effort was for merger, while on the other, it was for Union of States with some part of the province merged in it.

It has already been said that the recommendation of the Orissa State People's Enquiry Committee for amalgamation of the states with the province, although it received general support from many quarters, when it was first published, and submitted to the then Viceroy Lord Linlithgow, was cleanly forgotten in the din and bustle of the War by the public, but the Rulers and the officers of the Political Department took

serious note of it and proceeded systematically to see that no integration of any kind took place between the states and the province.

The Political Department took steps to set right the mediaeval administration in the so-called sovereign States and to wean away people from the side of the nationalists. The following is the note handed over to me by Shri T. Satyanarayan who was then an important officer attached to the office of the Political Agent at Sambalpure and whose services were subsequently transferred to Orissa Government after merger of States :—

“The hostility of the Darbars under the guidance of the Political Department from 1938 considerably increased and feverish measures were taken by them after the unfortunate murder of Major Bazelgette. When, during the summer of 1938, the vast majority of Orissa States were seething with discontent the Resident of the time Col. Robson was enjoying a four month recess at Shillong with disastrous results. He had to pay the penalty. The Bazelgette murder opened the eyes of the Political Department who granted him leave soon after and he had to retire on the expiry of the leave. The Political Department appointed Mr. Bowstead to enquire into the administration of the Orissa States with particular reference to Land Revenue. His report was an example of bottle-washing for he could hardly condemn his own administration as a Political Agent. It gave no satisfaction to Sir Francis Wylie the then Political adviser who personally visited the Orissa States and found conditions different from what they were described by Mr. Bowstead. Before proceeding on his tour in the Orissa States Sir Francis called me in Hastings House and made enquiries from me for $2\frac{1}{2}$ hours on 14. 2. 41. I gave him a copy of my note of criticism of the Bowstead Report relating to the portion on land revenue administration. Mr. Ramdhyan was then appointed by the Political Department to investigate and report on the Orissa States

land revenue administration. He did an excellent job inspite of the apathy and in some cases non-cooperation of Rulers. Owing to the War much could not be done to implement his recommendations but the Political Department did something to remove the more blatant evils.”

The War ended not only with the victory of the Allies but also with the prospect of fall of all empires in the World. The British were left in a position where they could not maintain their far-flung empire. In addition to the reduction of their power and prestige, the nationalist movement in India had penetrated into all sections of the people making it impossible for an alien rule to continue in India. The Labour Party won the elections in England after the War and their avowed policy was to revise the Imperialist policy of their predecessors. To solve the political problem of India, the British Cabinet deputed a mission to discuss with the Indian leaders and devise ways and means of transferring power at the earliest opportunity. The Cabinet Mission came to India in April, 1946. By that time, formation of Provincial Ministers was over, but in Orissa, it was still pending. Nevertheless, I, as the prospective Premier of Orissa (in those days, Chief Ministers used to be called as Premiers or Prime Ministers), was invited to appear before the Cabinet Mission. I met the Mission on the morning of the 6th April, 1946. While discussing the overall political settlement of India, I concentrated on the particular problem of States. In order to clinch the issue and prevent a general and roving discussion of the entire problem, I took up the case of Orissa States as the thin end of the wedge and pleaded for amalgamation of these states with the province. I placed before the Mission a specially prepared map showing how the districts of Orissa were islands in an ocean of states and how the so-called states had been created by the British for their own purposes. I submitted a memorandum to the Mission which is appended in the book as Appendix-II. The memorandum was written by Shri B. K. Pal, Advocate at my instance and published on

behalf of the Provincial Congress Committee. This was a frontal attack which I thought I should make at the earliest opportunity.

The Cabinet Mission, as it appeared to me, were deeply impressed by my arguments and in one of my interviews with Sir Stafford Cripps, he assured me that he would get it done in a few days; but that the major problem of the settlement of the Indian question should be tackled first. It would be interesting to note here that Sir Stafford Cripps, put some pressure on Sir Conrad Corfield, who was then the Political Adviser to His Excellency the Crown Representative in India. I had several interviews with Sir Conrad, but they resulted in practically nothing. The readers will find how the Political Department and the rulers were manoeuvring at the back to side-track the issue of merger.

The correspondence which passed between Sir Conrad Corfield and Colonel Todd, the then Resident of the Eastern States Agency is appended as Appendix-III.

Sri Pratap Chandra Bhanj Deo, Maharaja of Mayurbhanj was the only swan amongst myriad crows. He was against the scheme of Unions which the rulers were hatching. Sir Conrad tried to dissuade the Maharaja from his opposition through the Nawab of Bhopal and also through the Resident as well be seen from his letter addressed to Maharaja Mayurbhanj. Maharaja Mayurbhanj made his position clear in his letter to Maharaja of Dungarpur. Maharaja of Mayurbhanj was either for independent States, or for merger as will appear from the note recorded by Mr. Herbert of a talk which he had with the Raja of Khariargarh on 27. 4. 46. The letters addressed to Nawab of Bhopal and to Maharaja Dungarpur by Maharaja of Mayurbhanj the note of the talk between Herbert and Raja of Khariargarh and the telegram of Corfield to Resident are appended in Appendix-I.

It is gratifying to note that Lord Wavell, the then Viceroy of India, was impressed by my arguments and tried his utmost to help me in all possible ways. He talked to many of the Rulers and recommended my plan to them but he did not succeed in making even one of them agree to it. The attitude of the Rulers at that time can be judged from the letter of the Maharaja of Patna to His Excellency Lord Wavell on the subject (Appendix IV). When my memorandum was circulated to the Rulers by the Political Department and when the attitude of the latter was clearly expressed in various ways, the rulers in their turn submitted memoranda to the Political Department contesting the plan which I placed before the Cabinet Mission. The memorandum which was handed over to Colonel Todd by the Ruler of Seraikella on the 30th July, 1946 (Appendix V) would show how the mind of the Rulers was working at the time. Besides the ruler of Seraikella, some other Rulers also sent their memoranda in opposition to the plan of amalgamation.

I placed the problem of the States before the Cabinet Mission after I had discussed the matter with Gandhiji. I met him on the evening of the 5th April, and told him what I was going to do the next morning. Gandhiji encouraged me to place the problem with all force and he also promised his full support to my move. Even though I did not achieve any result by placing the matter before the Cabinet Mission, I continued to pursue it as systematically as I could ; I wrote to Sir Stafford Cripps and to Mr. Lumly, who came with the Cabinet Mission to assist them in matters relating to the States. My letters to Sir Stafford and Mr. Lumly, and their replies, have been given as Appendix VI.

As soon as I found out that all would depend on negotiation and mutual agreement, I took up the matter straight with the Rulers while all the time expecting some co-operation from the Political Department. I wrote two circular letters (Appendix VII) to all the Rulers of the Orissa States, and sent copies of them to Sir Conrad Corfield, Political Adviser

to the Government of India. Some of the most interesting replies which I received from some of the Rulers are given in this book as Appendix VIII.

The reader will be amused to read the reply from Shri N. C. B. M. Mahapatra, Raja of Baramba, suggesting that the present day districts which form the province of Orissa were at one time States under Rulers and it would be a good idea to give back these areas to the descendants of the *Late Rajas* and form a confederation of States.

The proceedings of a meeting of the Rulers of Orissa and Chhatisgarh States from the 16th to the 18th July 1946, enclosed as Appendix IX, would show how a few Rulers were trying to evade the inevitable and how the Political Department was running the whole show.

As soon as the proposals of the Cabinet Mission were published, I sent an immediate wire to Lord Wavell, the then Viceroy, and also to Lord Pethick-Lawrence, the then Secretary of State. The replies which I received from them went to show again that everything depended on how far I could negotiate with the Rulers (Appendix X.)

While Independence was nearing the shore hopes and ambitions on the side of the people in the States and fears and apprehensions on the side of the Rulers were growing. The Rulers were trying hard to get together and form unions to maintain their sovereignty while the people in the States were bargaining to have representative Governments under the aegis of the Rulers. Between these two emotions even Sri Jawaharlal Nehru was caught and so also the All India State People's Conference. None visualised that merger was the only solution and administrative collaboration between the States and the provinces was the first stage of the merger. Jawaharlalji began to issue statements recommending representative Governments in the States under the Rulers. I sent him the following wire to which he sent a very encouraging reply :—

Telegram dated the 10th June from Premier Orissa to Pandit Jawaharlal Nehru, New Delhi :

“When you say responsible Government under Aegis of rulers, obviously you refer to big states, but unqualified statements create confusion (.) Request please make clear that small states particularly Orissa states should be amalgamated with province.”

Telegram dated the 12th June from Pandit Jawaharlal Nehru to Hare Krushna Mahatab, Premier, Cuttack.

“Your telegram agree with you small states particularly Orissa States should be amalgamated with Province.”

The readers will know a little latter how even the All India State People's Conference was caught between the two forces and lent support to promotion of Unions.

I however, persued my plan as vigorously as I could.

Sir Conrad Corfield clearly told me that :

“Increased association of the Orissa States with the Province will inevitably raise constitutional problems of more than local significance. It is for this reason that His Excellency would like Mr. Herbert to be present at the proposed meeting between representatives of the province and the States”. (Appendix XI).

But he did not easily succeed even in this. I cannot say who played which part even in this small matter. The Rulers declined to meet formally in a Conference with the representatives of the Orissa Government. Mr. Herbert, Officer on Special Duty, Eastern States Agency, however came over to Cuttack to discuss the matter with the Orissa Government. Sir Chandulal Trivedi, the then Governor of Orissa, worked day and night to present the case for the Orissa Government

and prepared a convincing memorandum for discussion with Mr. Herbert. Sir Chandulal, myself and Mr. Herbert closely discussed all aspects of the existence of these small States round about the districts of the province, and we tentatively came to a sort of agreement that there should be close connection between the administration in the neighbouring States and that in the province. After considerable effort, some representatives of the Rulers and myself met at Sambalpur. The Ruler of Seraikella was leading the representatives of the Rulers. The proceedings of the discussion are appended as Appendix XII. I have given all the versions of the proceedings to place all the viewpoints before the readers. It would appear from these proceedings that nothing substantial came out of it, but still I did not lose heart.

I took up the matter with the Nawab of Bhopal, the Chancellor of the Chamber of Princes. I thought I would try that source also in connection with my negotiations with the Rulers of the Orissa States. I was keeping Bapuji all along informed of whatever I was doing in this connection. I went over to Bhopal and stayed as the guest of the Nawab for two days and had prolonged discussion about the details of the Orissa States vis-a-vis the Province and we came to some terms of agreement (Appendix XIII). In the meantime, Sir Chandulal Trivedi was cautioning me not to proceed too fast. His sincere devotion to the service of Orissa was compelling me to listen to his advice and proceed as cautiously as possible. Some of the most important correspondence which he had with me are appended as Appendix XIV.

While I was trying to come to some agreement with the Rulers, they were moving just the other way about, going on forming the Eastern States Union and making a hidebound Constitution for this Union which they were creating. The proceedings of the Seventh Rulers' Conference held at the Raikumar College at Raipur on the 21st and 22nd December 1946, Appendix XV would show how the Rulers' mind was working.

The Constituent Assembly was meeting in all earnestness to frame a Constitution for India, and in this Constituent Assembly, both the Provinces and the States were represented. I thought I should do something in the Constituent Assembly which would provide for co-ordinated administration between the States and the provinces, at least in some important matters. I took Sir B. N. Rau, the Constitutional Adviser, into confidence. He was kind enough to appreciate my point of view and do all he could to help me. His suggestion conveyed to me in a letter is appended as Appendix XVI.

With the Nawab of Bhopal agreeing in some measure with me and with Sir B. N. Rau's proposition, I thought I would be able to do something through the Constituent Assembly. It is needless to mention that I was keeping Bapuji, Sardar Patel and Pandit Nehru informed of every step I was taking and securing their approval. While I was proceeding systematically in the above manner, obstruction came from the most unexpected quarters, namely, the All India States Peoples' Conference. I received a letter from the President, All India States Peoples' Conference, disapproving all my moves and supporting the formation of the Eastern States Union. This was a bolt from the blue, as it were, but I never lost heart. I gave rather a strong reply to the President and issued a public statement on the subject. The correspondence with the All India States Peoples' Conference and my statement are given in Appendix XVII.

In the meantime, I used to receive letters from Mr. P. H. Krishna Rao, Prime Minister, Eastern States Union, taking exception to something done or not done in the province against the Eastern States Union. On receiving some of these letters I used to get desperate, but I had to keep calm and go ahead systematically. When the States Department was created and Sardar Patel was put in charge of it, I took up the matter with him. Mr. Menon was then the Secretary of the States Ministry. I submitted a memorandum to Sardar Patel and talked the matter over with Gandhiji (Appendix XVIII).

Uptil now I have not said anything about the counter activities which were systematically carried on by some of the Rulers as a counter-blast against my plan. The Maharaja of Patna started the theory that these Orissa States and the present district of Sambalpur were not parts of Orissa but they at one time, formed the so-called Koshala Territory. According to his plan, as soon as the Eastern States Federation would be able to stand up, Sambalpur and Angul would join this Federation. In order to have it done it was found necessary to work up the feeling of separation in Sambalpur. Accidentally the preliminary survey work of the Mahanadi Valley Project was started in Sambalpur in 1946 and I was very enthusiastic over the execution of this project which necessitated acquisition of more than one hundred villages. Land acquisition on such a large scale necessarily created resentment amongst the people whose lands were being acquired but this was made an issue for separation of Sambalpur from Orissa. Those who were working as instruments in the execution of the Rulers' plan made full use of the resentment caused by land acquisition and successfully worked up the feeling of separation, at least in the Sadar Subdivision of Sambalpur, to a high pitch. I tried my utmost to explain to the Legislative Assembly and also to the public of Orissa that the land acquisition of Hirakud was not the cause of the cry of separation raised in the district of Sambalpur. I insisted that the Rulers' hand was behind this move. Even in spite of my repeated assertions some public men of Orissa behaved in such a way that it lent support to the agitators of Sambalpur. I had to keep myself steady and I took all possible steps to counteract the movement of the Rulers in the province of Orissa. I took up the matter with the then Viceroy, Lord Wavell, and the Political Department and ultimately it was brought under control. Appendix XIX contains the correspondence regarding the activities of the Maharaja of Patna in the district of Sambalpur.

While I was carrying on these activities with my attention fixed on the Orissa States, the intrigues of some of the

officers of the Political Department with regard to other States came to the notice of Sardar Vallabhbhai Patel. As a matter of fact, the Political Department was working in such a way that the States combined would present an almost insurmountable difficulty in the way of Independence. It will be interesting to the readers to know that the Political Department was planning to group together the Eastern States and join it with Hyderabad so that it would be a very strong Unit to withstand any kind of pressure from Independent India. As soon as I came to know of this move, I tried my utmost to counteract it. Authentic informations were received that some emissaries, whose names I do not like to mention here, were sent by some Rulers of Orissa to Hyderabad for negotiation. As a matter of fact, the negotiation was well on its way when the whole plan was frustrated by the quick action taken by the Government of India. I had to be very vigilant and hurry up the States Ministry in the matter of merger. Appendix XX gives an inkling of the plan which the Political Department was evolving for creating a Unit consisting of the Eastern States and Hyderabad. Readers will see that the State of Bastar was proposed to be the connecting link between Hyderabad and the Eastern States. Sardar Vallabhbhai Patel felt very much disturbed on receiving all informations about the intrigue which was going on between Hyderabad and the Eastern States. Immediately after the achievement of Independence on the 15th of August 1947, things began to develop in quick succession, and whatever plans either the Political Department or the Rulers were making foundered on the rock of realities. One can easily see from this distance that all concerned were fully alive to the dangers of leaving these 'sovereign' States to themselves ; but the difficulty was how to bell the cat and who will do it. Fortunately, Nilgiri showed the way.

V

WHILE these constitutional methods were going on, troubles began to brew in some of the States. It was inevitable because of the very nature of circumstances. Incidentally it may be mentioned that the Rulers of Nilgiri, Dhenkanal and some other States in Orissa were divested of administrative powers by the Political Department for maladministration. During the States people's movement, the military intelligence Department had sent full reports of gross maladministration of the States to the Crown representative, the Viceroy and action was taken on those reports by the Political Department. All their reports are now preserved in the National archives in Delhi. In spite of this, it was decided by the Political Department in pursuance of the overall British policy to restore to the deposed Rulers all powers and make them sovereigns. A copy of a note recorded by H. G. Todd, the Resident of his talk with Raja of Nilgiri and the circular Instructions of the Political Adviser to all the Residents to remove all restrictions on the Rulers, whether on account of recently ended minorities or owing to incompetence are appended herewith for record (Appendix XXI). This will prove that effort was made by the British to put forth as many 'sovereigns', as possible on the arena to fight the National leaders to whom the power was to be transferred under compulsion of circumstances.

Trouble became acute in a small State, named Nilgiri, near Balasore. There a few Adibasi criminals were instigated by the Darbar to loot and set fire to the houses of the prominent Prajamandal leaders. When active encouragement was given to the criminals to do certain things according to orders, they did not remain within bounds. They went on looting and setting fire to houses indiscriminately; as a result, complete anarchy prevailed in that State. I went on submitting regular

reports about the affairs in Nilgiri to the Government of India and I pressed that some action should be taken; otherwise, it was not safe to allow lawlessness to prevail in a neighbouring area, in the interest of administration of the province itself. At last I got the permission of Sardar Patel to take charge of the administration of the State, and this was done on the 14th of November, 1947.

The details as to how the State was taken over may be found in the Orissa Government's communique which was then issued (Appendix XXII) and the secret correspondence from the Eastern States Agency to the States Ministry (Appendix XXIII). This was really the beginning, and the taking over of Hyderabad was the end. The way in which Nilgiri was taken over, created a flutter amongst the Ruler of the Eastern States. Some of them were wise enough to see the signs of the times, while others were determined to swim against the current. The reaction of the Rulers can be judged from a secret report of the Eastern States Agency to the States Ministry (Appendix XXIII) .

The operation was not an easy affair. There was the possibility of armed conflict between the Orissa Military Police and Eastern States Union Police stationed at Nilgiri. It was Mr. Pearman, the then I-G. P. of Orissa who planned out the operation in consultation with Shri N. Senapati, I. C. S. the then Divisional Commissioner. The entire administration of Nilgiri had already been paralysed as a result of the popular movement. The contact between the Union Armed Police at Nilgiri and their headquarters at Calcutta was cut off. Orissa Military Police marched from Balasore to Nilgiri in the midst of warm and enthusiastic welcome of thousands of people on the way. They disarmed the Union Police and the Ruler was good enough not to make any futile resistance. The Union Armed Police were sent back to Calcutta in a special train under Orissa Police escort.

Nilgiri was then administered as an occupied territory by the Orissa Government till the 1st January, 1948 when the occupation was legalised as merger.

I took up the matter with Sardar Vallabhbhai Patel and I thought - I would make his work easy if I would previously discuss the details with Mr. V. P. Menon, his Secretary. Accordingly, I arranged a conference with Mr. V. P. Menon and others of the States Ministry. The proceedings of the Conference are in Appendix XXV. When I found Mr. Menon had already made up his mind in one way and was relying too much on the constitutional position and excluding the 'A' Class States from joint administration. I did not attach much importance to the conclusions arrived at. I thought of taking my chance at Cuttack when the meeting of the Rulers was proposed to be held and where Sardar Patel's opinion would be the deciding factor. The proceedings of the conference were forwarded to the State Government who prepared a memorandum accordingly. I did not give my final approval to the memorandum and waited till Sardar came to Cuttack. In the meanwhile I received reports that the Rulers particularly of 'A' Class were planning to have their sovereignty confirmed at Cuttack so that I would not raise that question again in future. They were determined not to have any truck with the province. I discussed the whole situation with Sardar and told him that Nilgiri had shown the way. He was hesitant in the beginning because of Mr. V. P. Menon's opinion. I pressed Sardar to come down to Cuttack himself and settle the matter as he thought proper. He agreed and came to Cuttack on the 13th December, 1947. There was huge demonstration on the entire way of about 20 miles from Bhubaneswar Air port to Cuttack demanding merger of States, Sardar stayed with me as my guest. As soon as he reached my residence, he seriously examined my grip over the administration and my capacity to bring round the Rulers, if they would not listen to Sardar's

advice. He examined also the capacity of the people to agitate if his advice failed. On every point he was convinced and immediately he called to conference Mr. Sundaram, the Law Secretary, Mr. V. P. Monon and Mr. Shankar his Private Secretary. Besides, all our Ministers and our Governor Dr. Katju also were present. I placed the case of merger and referred to the Sanads granted to the Rulers. As soon as Sardar saw the Sanads he flared up and said "How could these petty Rulers comply with the conditions of the Sanads? It is impossible." After some discussions he scrapped straight away the conclusions which were arrived at in Delhi on the 20th November, 1947. He made up his mind and gave his decision that these states should be amalgamated with the province. He asked me if our memorandum was ready. I said it would be circulated early next morning. The memorandum which was prepared at the instance of the States Ministry was scrapped and a new Memorandum was quickly prepared by the then Chief Secretary, Mr. B. C. Mukherjee and got printed overnight in the Government press under the personal supervision of Mr. Sohani, I.C.S., the Secretary of the Department. This was a feat which should be envied by the present-day officers.

The whole night, Sardar discussed with me again all the future possibilities. He repeatedly told me that responsibility in the case of Nilgiri was entirely mine but in the present case it is shared by him as well. I assured him that in case the Rulers did not agree to his proposal, there was bound to be serious lawlessness in the States and Orissa Government would not allow such a situation to develop. If necessary, all the States would be taken over on the very day Sardar left Orissa disappointed. The Military Police had been deployed accordingly by Mr. Pearmen, I-G. P.

Next morning on the 14th December, Sardar met the Rulers in a conference in the Raj Bhavan at Cuttack at 9.00 A. M. First Sardar explained firmly that the States should

merge in the province in the interest of the Rulers as well as the people. It was the young Raja of Ranpur who stood up and said that the Rulers must consult their people. At this Sardar got irritated and gave vent to his annoyance, saying the Rulers had not the cheek to talk of their people from whose hands their own lives were to be protected by the Government of India and Government of India was not going to provide that protection. This strong warning had its effect. The Raja of Sharaikella referred to the agreement arrived at Delhi on the 20th November. Both Sardar and myself denied any such agreement and I firmly said that Orissa Government's position had been precisely stated in the memorandum just circulated (Appendix XXVI) which demanded full merger. Although all the Rulers had by that time granted responsible Government to the people through the Praja Mandals and Ministries had been formed in all the States, none spoke of their Ministries. Only Maharaja of Mayurbhanj said that he would consult his Ministers to whom all the authority of the State had been transferred. Others took time to think over the proposal made by Sardar. Sardar adjourned the conference. While coming back to my residence, he was asking me what would Rulers do, I assured him they would all agree. In fact almost all signed the document which had already been made ready by Mr. Sundaram, the Law Secretary, by the evening of the 14th. Some signed on the morning of the 15th. But Maharaja Kalahandi was the last to sign and for him Sardar had to wait in the special train which was arranged to take him to Bhubaneswar Air port for almost an hour. Subsequently Maharaja Kalahandi complained that Mr. V. P. Menon coerced him to sign the document. The complaint went to the ears of Gandhiji who heard the other side and gave the verdict that there was no alternative to administering a mere threat of coercion. There was joy all round. The special train whistled the end of a long dark chapter of India's History and Sadar's triumphant train moved fast amidst thunderous cheers from the people.

Although all the other States agreed to amalgamate with the province, the Maharaja of Mayurbhanj contended that he had granted responsible government to his people and therefore he could not do anything without consulting his Government. Since Mayurbhanj was a tribal State, Sardar Patel left it to time. It so happened that in the course of a year, the Maharaja himself got disgusted with his own government and he wanted to make over the State to the Dominion Government in the interest of better administration. But he was honouring his own words so much that he would not put any pressure on his own Ministers. Ultimately, Sardar Patel sent for the Prime Minister of Mayurbhanj and others and got their agreement to the proposal of making over the State to the Government of India. The Government of India took over the administration of Mayurbhanj and then made it over to Orissa on the 1st of January, 1949.

In whatever circumstances the States might have been merged with the province, most of the Rulers reconciled themselves to the new order of things and they realised that Sardar Patel had done them the greatest service by securing to them the privy purse in perpetuity and also safety from any kind of popular agitation which was bound to come had not the States merged with the province. But a few Rulers did not and could not reconcile themselves to what happened on the 14th of December 1947. Immediately after signing the Agreement at Cuttack, they conspired to revive the Union Movement. They set up a secret organisation and concentrated their activities in Seraikella and Kharaswan, the administration of which two States was made over to Orissa. Here, it may be noted that the Bihar Government wanted these two States to merge with Bihar on the ground that the majority of these two States were aborigines and geographically the two States were parts of Singhbhum. Naturally a controversy arose between Bihar and Orissa on this issue. The conspiring Rulers found an opportunity to carry on their activity in Seraikella for the revival of the Union.

These misguided gentlemen thought that they would have the protection of the Bihar Government against the vigilance of the Orissa Government. Organised violent activities were planned and a large scale rebellion was contemplated and worked out in Seraikella. Orissa Government had to ban the Union Movement in the province of Orissa. The Union Movement completely eclipsed the main points regarding the merging of Seraikella and Kharaswan either with Bihar or with Orissa. The agitation of the aborigines for merging with Bihar and the Union activities of the Rulers in which major portions of Oriya speaking population knowingly or unknowingly participated, brought about almost a chaotic situation in Seraikella and Kharaswan. Administration there had to be carried on with the help of the Military Police which was not a pleasant job after all. Ultimately, the Government of India stepped in and decided that Seraikella and Kharaswan being two island States in the district of Singhbhum, over which Orissa had all along established a claim, should merge with the district of Singhbhum; that is to say, the administration of these two States should go along with the administration of Singhbhum, to whichever province this district might be attached in course of time. Since Singhbhum is with Bihar now, these two States went over to Bihar, much to the resentment of the Orissa public. Here the question was not the amalgamation of the Oriya-speaking tracts but whether the States should be merged with the province or should form themselves into a Union completely separate from the province of Orissa. The decision of the Government of India to merge Seraikella and Kharaswan with Bihar completely upset the plans of those Rulers who were conspiring for a Union.

By the middle of 1948 it was found out that unless these States, the administration of which had been taken over by the Government of India and again made over to the province of Orissa, were finally merged with the province, there would remain the scope for working up the imagination of

the unthinking public to believe that the merger could be undone by some kind of manipulation. The New Constitution which was being framed had to contain the description of the provinces and also had to name the areas known as 'States' separately from the province, unless the States were made part and parcel of the province. The conspiring Rulers, to whom reference has already been made above, worked upon the fact that the merger of the States with the province was only temporary and it would soon be undone if sufficient pressure could be brought on the authorities. This loophole had to be stopped. I took up the matter again with Sir B. N. Rau. Full legal implications of the New Constitution and the arrangement which has been made by the Government of India regarding the merger of the States were fully discussed and Sir B. N. Rau held that unless the present Constitution was amended and the States were made part and parcel of the province, it would not be possible to prevent these areas from being mentioned separately in the New Constitution and described as 'States'. I was anxious to see that the idea of separation between the States and the Province should disappear once for all so that the consolidation of the province would be on a sounder basis. I had the matter very closely examined in our Law Department. Ultimately, the solution which was found out was to introduce a new section in the existing Government of India Act to enable the Governor-General to finally amalgamate the States with the Province. In order to get it done quickly, I had to approach almost all the departments as the Government of India to expedite the matter. Appendix XXVII contains the correspondence to show how the idea of final merger originated in Orissa, and that too, on account of the activities of some of the Rulers. At last the law was amended and on the 1st of August 1949 the Governor-General issued the necessary notification, under the amended law, amalgamating the States with the Province (Appendix XXVIII) ; thus rectifying a historical injustice which was done to the Province of Orissa in 1804 by the East India

Company. On receiving the news of merger of the States with the Province Lt. Col. Eric Gregory who was formerly in the Military Intelligence of the British and who came to Orissa for investigation in 1939, wrote to me the following letter :—

C/O Bank of Montreal
Douglas Street
VICTORIA
Vancouver Island, B. C. Canada
14th January 1948.

My dear Mr. Mahtab,

You will remember me from the days of the Talcher Refugees and I also met you once since then in Calcutta. Much water has flowed under the bridges of time since 1939.

Anyhow coming to the point, I am writing to congratulate you and all those who were concerned with you in the final clean-up of the Eastern States of Orissa and bringing them under a proper administration. This step has now eliminated one of the filthiest blots on civilization I have ever seen.

Congratulation and good luck to all of you. I hope soon that the two Dominions will settle their differences and work for the good of mankind and the welfare of the people.

Yours very sincerely,
Eric Gregory (Lt.Col.)

In fact one of the filthiest blots on civilization was eliminated.

This is the story of how the problem of States in the Province of Orissa was solved, and I dare say, the solution of the problem in Orissa helped to a considerable extent the solution of the problem of the States in the whole of India.

PRIVY PURSE AND PRIVILEGES

As the merger of States with the Provinces and conversion of some States into regular Provinces were in the process, the States Ministry in its anxiety to complete the process offered temptation particularly to the bigger States to join the scheme on the promise of sumptuous privy purses and privileges provided for the Rulers in the Constitution itself. Somehow the States Ministry became so much obsessed with the idea of privy purses and privileges that they did not like even any talk against it as will be seen from the following letter of Shri Jawaharlal Nehru, the then Prime Minister addressed to the writer who was then a Minister in the Central Cabinet.

SECRET & PERSONAL

New Delhi
December, 1951

My dear Mahtab,

I see from the newspapers that you have been making some very positive and far-reaching statements about the princes. You have said that their privy purses must be put an end to. Indeed you have gone further and said that you are going to do it within a year or so. This is most embarrassing. Many of us feel that these privy purses are too bloated. Nevertheless we have committed ourselves to them and we cannot easily walk through our commitments.

I have referred to this matter in a different context and said that where a prince misbehaves politically or otherwise, then this question arises. I wish you would not say anything which commits Government in this way. Our States Ministry is greatly embarrassed.

Yours sincerely,
Sd. J. Nehru

The Hon'ble Shri Harekrushna Mahtab,
Minister for Commerce and Industry,
New Delhi.

It was clearly forgotten that the merger in Orissa and Chhatisgarh States was unconditional. The only point to be decided later on was to provide for the maintenance of the families of the Rulers on compassionate ground. The claim of sovereignty could not be maintained. If the same determination had been maintained as was the case in the beginning, the constitutional safeguard which the Rulers insisted upon later on would not have been necessary. Some intelligent Rulers did not expect any safeguard nor did they attach much importance to it as will be evident from the letter of Maharaja of Mayurbhanj to Maharaja of Dungargarh (Appendix-I). Maharaja of Mayurbhanj clearly said that there was no meaning in the guarantee given by the leaders of the day. He clearly visualised the future when the leftists would come into power and scrap all guarantees. Nevertheless, privy purses and privileges were provided in the Constitution as a matter of expediency as was explained in the white paper issued by the States Ministry after the process of merger was completed. In course of time this expediency was interpreted as a moral principle and a legal obligation. It is for the representatives of the people to decide whether special privileges should continue in the case of a few citizens of the country who were made sovereigns overnight by an alien rule in order to place obstructions on the way to country's independence. Dispassionate history will not accept the view that the Indian Rulers were actually sovereigns and in lieu of their surrender of sovereignty they are entitled to privy purses and special privileges.

The representatives of the people have decided to end the chapter of sovereigns in the history of India. The Constitution has been suitably amended and the privy purses and the privileges are all gone. The process which was initiated by Sardar Patel has been completed by Sm. Indira Gandhi.

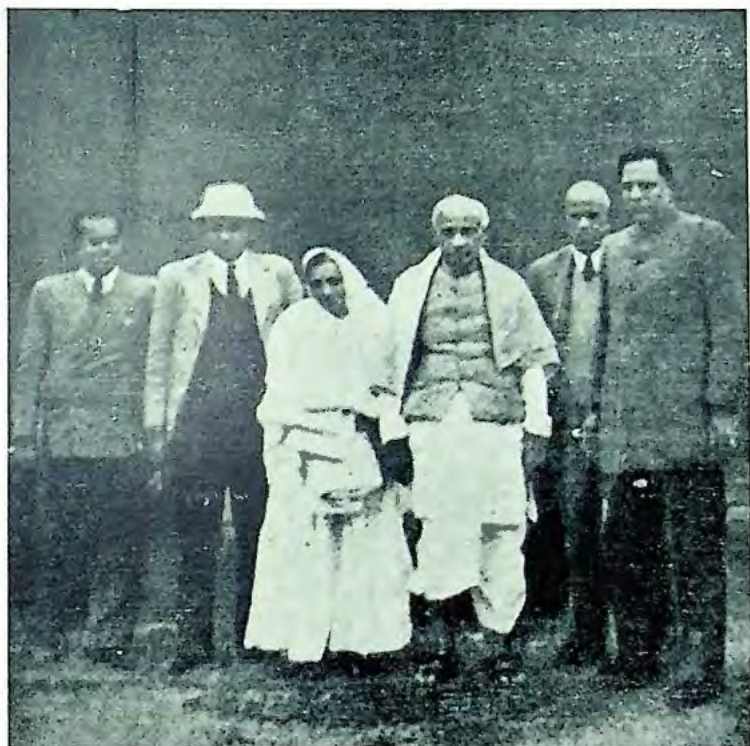


Mrs. Indira Gandhi

who in 1972 performed the finale of the plan of abolition
of Princes, conceived in 1938 and begun in 1948.

STATES MINISTRY AT CUTTACK

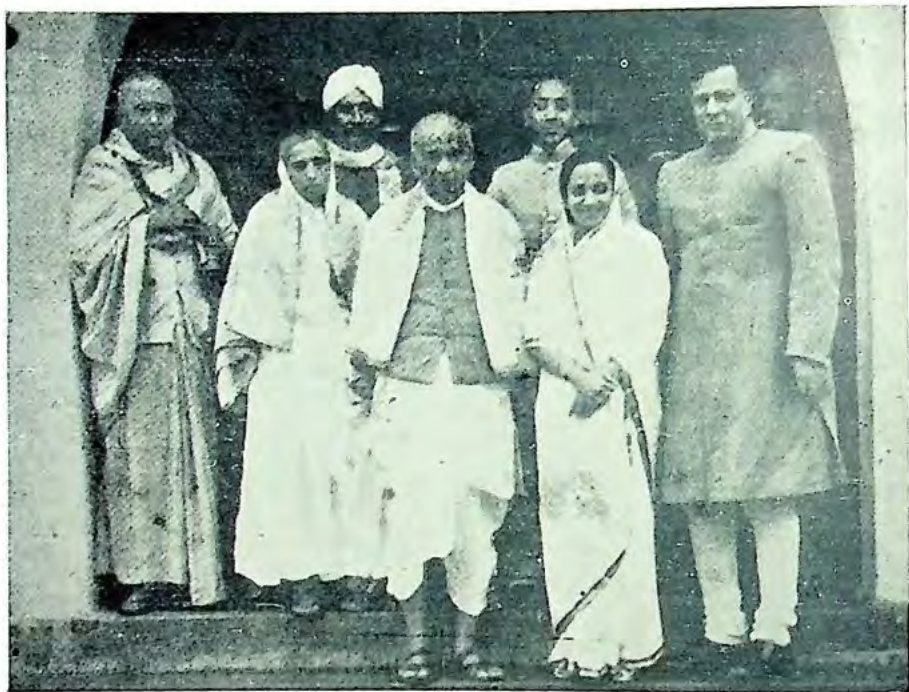
on the 13th December, 1947.



From Left to Right—1 Mr. K. V. K. Sundaram, Joint Secretary, Government of India, Legislative Department. 2. Mr. V. Shankar, I. C. S., Private Secretary to the Hon. Sardar Vallabhbhai Patel, Deputy Prime Minister. 3. Miss Maniben Patel. 4. Hon. Sardar Vallabhbhai Patel, Deputy Prime Minister, Dominion of India. 5. Mr. V. P. Menon, Secretary to the Government of India, Ministry of States. 6. Hon. Sri Harekrushna Mahatab. Premier, Orissa.

AFTER SIGNATURE OF AGREEMENT

on 14th December, 1947.



From Left to Right—1. Raja Saheb of Athgarh. 2. Miss Maniben Patel. 3. Raja Saheb of Kharswan. 4. Hon. Sardar Vallabhbhai Patel, 5. Raja Saheb of Ranpur. 6. Rajmata Saheba of Ranpur. 7. Hon. Sri Harekrushna Mahtab. 8. Mr. B. C. Mukharji, Chief Secretary to the Government of Orissa.



Princes at Dinner



Dr. Harekrushna Mahtab with Hon' Ballabhbhai Patel Pandit, Jawaharlal Nehru and Smt. Indira Gandhi at Palam Airport

APPENDIX I

Telegram (Q)

From	Polad (Political Adviser)
To	East States. (Resident Eastern States)
No	1452—P
Dated	13th July, 1946

Your secret letter dated 8th July about views of Mayurbhanj regarding future of small States. I agree that there is much to be said for Maharaja's criticism of grouping arrangements of small States in trun but I think he would be unwise at this stage to express as final any conclusions (a) which he might wish to modify or from which he might wish to RESILE later under pressure from brother princes and (b) which might weaken bargaining power of other States in formulating effective & suitable Joint arrangements with provinces or major States.

Spoke to Maharaja on 15th before the meeting. He fully appreciated the above and had had no idea of himself for the very reasons suggested above.

(H. J. Todd)
15.7.46

At the meetings the Maharaja refrained from speaking as he feel his views were well known. In any case he was not prepared to commit himself until he saw what scheme of federal union emerged from the proposal or the.....asked he did agree to contribute to the expenses of preparing the scheme.

(H. J. Todd)

D. O. No. 129 T

Camp Shillong,
The 15th May 1946.

My dear Corfield,

In continuation of my letter regarding Mr. Mahtab's approach to you regarding Orissa collaboration with the Orissa States.

2. I discussed the matter recently in very general terms (not mentioning Mahtab's approach to you) with the Maharaja of Patna and the Raja of Seraikella. They appreciated the need for collaboration in schemes of economic development of common concern, as has been the practice in the past, but on basis of strict sovereign equality.

3. They strongly suspect Mahtab's motives and the Maharaja of Patna particularly referred to a recent move of the Orissa Congressmen to contact and draw into political association all the State University students at present at the Utkal University in Cuttack. He declares that these students are being inculcated with the theories of State-Province amalgamation and taught to spread on their return home the gospel of the wonderful benefits that would ensue from such an amalgamation. He says that the particular line is that the States afford no outlet in technical, professional and other training institutions and that the only hope of training for a career lies in having a right of access to colleges in Orissa or rather the Colleges to-be in Orissa. The Maharaja fully appreciates that the only answer to such subversion is to press forward with adequate counter-attractions in the States.

4. Recently, when I was away on tour, the 'unofficial' Council of Rulers of the Eastern States called a meeting in Calcutta but only a half dozen of the more serious Rulers turned up. They discussed in rather vague terms the formation of a strong, centralised federation of the Eastern States but the more enthusiastic Rulers—especially Patna—were rather depressed by the defeatist attitude of the Maharaja of Mayurbhanj

and some others who were inclined to take the line that all was over and it would be better to sell out early and thereby secure better terms than if they refused to 'come quietly'.

5. Apparently, after the more friendly and cooperative atmosphere which prevailed at the Rulers Conference held last December and my 'unofficial' recognition of the Council of Rulers as discussed with you in December, the Maharaja of Patna expressed the view that the only hope of getting the Rulers together would be if I called another conference shortly in Calcutta. He particularly asked me if I could not still further help them by securing the attendance of the Maharaja of Mayurbhanj and then putting a little courage into the faint hearted.

I explained the probable position of Paramountcy and referred to the Chancellor's statements but added that I would certainly be prepared to help them as far as the Crown Representative's instructions permitted.

6. I propose to call an informal meeting of Rulers towards the end of July, when they will have returned from their summer recess in the hills, but propose to do little more than "get them together" and make it clear that it is up to them. They will almost certainly ask me to recommend to all the Rulers a really determined effort to form some sort of Eastern States federation. I feel that the line I should take is that if they think there is a chance of forming an effective federation I should suggest their getting on with it at once and the first step should be to nominate a whole time committee with funds to seek the best advice. Whatever one may feel personally of the chances of any such scheme, I do not think it is up to us to discourage them in any such move they may wish to make. I should like early advice on this.

7. Today I have just received a communication from Mr. Mahtab, a copy of which I enclose, with copy of its enclosure and of my reply to him and of my letter to Trivedi. His letter contains several "misapprehensions" and of course

amounts to administrative as well as economic collaboration. If some of the Rulers reply they will probably enlighten him on several points.

I think the best line for me is to arrange to call in at Cuttack and see the Governor first and then have a preliminary talk with Mahtab. I should of course say nothing to imply commitment of the Rulers and insist on the talk being confidential. Is this approved ?

Yours sincerely

fair copy signed by HR

18. 5. 46

The Hon'ble Sir Conrad Corfield, KCIE, CSI, MC
Political Adviser to His Excellency
The Crown Representative.

*Copy of letter dated 4th August, 1946 from Nawab of
Bhopal to Maharaja of Mayurbhanj.*

PERSONAL & CONFIDENTIAL

Bhopal

4th August, 1946.

Your Highness,

Sir Conrad was here last week and he told me that he understood that Your Highness had written or proposed writing to me about certain suggestions under Your Highness' consideration in regard to the future of your State. I have heard nothing so far from Your Highness but various rumours are afloat which I cannot associate with one of your far-sight, courage and integrity. My personal regard for you and the confidence which you have always extended to me encourages me to make this direct approach. I shall be grateful if you would be so kind as to tell me whether there is anything in which I can offer my advice or assistance. We are all passing through critical times but I am convinced that there is no need

for undue pessimism. With careful planning, solidarity, and constitutionalisation, the States can look forward to a future worthy of their best traditions. The attitude of many of the most influential Indian leaders is not unfriendly, notwithstanding the public utterances of some of them.

2. Your Highness doubtless appreciates that at this juncture none of us can afford to take any step which may create difficulties for others. We all sink or swim together.

Best wishes and kind regards,

Yours sincerely,
Sd/ Hamidullah.

*Copy of reply dated 19. 9. 46 from H. H. Maharaja of
Mayurbhanj to Nawab of Bhopal.*

Mayurbhanj
19. 9. 46.

Your Highness,

I am very thankful for your personal and confidential letter dated the 4th August, 1946, which gives me an opportunity for expressing my views regarding the future position of Rulers of the smaller variety of Indian States, such as Mayurbhanj. I had no occasion to speak or write to Sri Conrad Corfield on this subject, but sometime in July last I had an informal talk with Col. Todd, the Resident for the Eastern States, who appeared to me to appreciate my viewpoint, if not sympathise with it. The fact that I did not so long address you on this subject, is a proof that whatever views are entertained by me are of a tentative character, and do not indicate an attitude to which I am definitely committed.

Your Highness is aware that a conference of Rulers of the Eastern States, took place in the middle of July last in the presence of the Resident, where certain proposals for the

establishment of some kind of a Federal Union of Orissa and Chhatisgarh States were adopted, preliminary to the formulation of a definite scheme for the consideration of the Rulers concerned. The official summary of the proceedings of this meeting contains the following note :—

“Of the individual Rulers who spoke, the Maharaja of Mayurbhanj said that he did not wish to commit himself at present, but that if the Chhatisgarh and Orissa States produced a plan for a federation he would be prepared to examine it and then decide what would be best for his State.”

The above correctly represents my present attitude. Incidentally I may mention that although under the present political practice, Mayurbhanj is deemed to be one of the three Bengal States, historically and geographically it belongs to the Orissa group, and any future scheme of constitutional or administrative arrangement affecting the Orissa States cannot but affect the position of Mayurbhanj as well.

It is a matter of deep regret to me that owing to circumstances which I could not foresee, I did not find it possible to attend some of the meetings of the Standing Committee of Princes held during the last few months. I have, however, kept in touch with the general trend of events and am fully aware of the strenuous labour which your Highness is undertaking for furtherance of the interests of Indian States in the future Constitutional scheme. Permit me to assure your Highness that I have the highest regard for you personally, and greatly appreciate the motives that have inspired you in carrying on your onerous duties as the chosen leader of our Order, at the present juncture. The views that I briefly express in this letter will, I am afraid, appear to be very unconventional, but they are not in any way to be taken as indicative, even in the remotest way, of lack of confidence in your Highness' leadership. No one will be happier than myself if your Highness' efforts towards securing an

honourable place for the Indian States as separate sovereign units of administration in India of the future, are crowned with success. My views, however, are the result of a deep and anxious thought that it has been possible for me to devote to a consideration of the pros and cons of the present political situation in so far as it is likely to affect the constitutional position of the States of the type of Mayurbhanj.

I need not remind your Highness what a prominent Political Officer of the last century has said in explanation of the existence of the Indian States. According to him, if the Indian States were not annexed to British India in the early days of expansion of British Rule in India, it was due to the fact that the British authorities of the day did not "either dare or care" to annex such territories. In the case of most of the smaller States, they maintained their separate existence more or less on the sufferance of the British authorities when they were extending their sway over this country. According to the British Cabinet Mission, when India attains independence the ties, which the Indian States have had with the British Crown will be severed and all the rights surrendered by the States to the Paramount Power will return to them. In theory, the Rulers of Indian State will revert to a position of absolute independence, though they, particularly the smaller States, will by the inexorable logic of circumstances, have to enter into new and effective ties with the Successors to British Authority in India for the purpose of continuing their very existence. It is presumed that the terms on which these ties may be possible to be formed will not be the same in the case of States of all categories. There is a definite demand, for instance, for the absorption of the smaller States into the neighbouring British Indian Provinces. Such a demand has been specifically put forward in the case of Orissa States, a demand that has received the public support of Pandit Jawaharlal Nehru. I have been informed that at an interview which the Maharaja Saheb of Patna had, along with their Highness of Orchha, Sangli and Baghat, with His

Excellency the Viceroy and the Cabinet Mission, His Excellency suggested that the natural affinities of Orissa States should lead them to group with Orissa. Grouping with a single British Indian Province may have certain constitutional implications for the States concerned, either immediately or in the long run which would be obvious to Your Highness. An alternative to this, which is being considered by the Rulers of Orissa and Chhatisgarh Agencies, is the possibility of having a joint Federal Union of these two groups of States. In my opinion, the task of forming a Federal Union of States which are widely divergent in point of area, population, financial resources and other matters, will prove to be a formidable one. In any event, such a Union can materialise and function only with the fullest support of the people. It is no use denying that among certain sections at least of the people of these States, there is a strong demand for their amalgamation with British India. This has been the direct result of Congress propaganda in and outside the States. Your Highness is certainly in a better position than most other Rulers to judge the attitude of influential Indian leaders, and I welcome Your Highness' assurance that the attitude of many of them is not unfriendly towards the States, notwithstanding the public utterance of some of them. In practice, however, the public utterances of prominent all-India leaders are translated into action by their local followers, and these form the basic plank of the agitation in the Indian States against their present day administration. I venture to think that whatever friendly assurance may be given to the Indian States by the Congress leaders at the present moment, these may not be strictly adhered to, once political independence is achieved by British India. The previous record of Congress activities in the States, when local leaders resolutely tried to foment unrest and discontent among their people, does not warrant the hope that the leaders will suddenly turn into genuine friends of Indian States. Even if all-India leaders are sincere in giving any assurances to the Indian Rulers, their successors may not be depended upon for adhering to their friendly attitude in this matter.

There is another aspect of the matter that deserves serious consideration in this connection. The top-ranking leaders of the Congress, such as Gandhiji and Pandit Nehru, have declared that the ultimate sanction for the continuance of Rulers is the will of their people ; and that the Paramountcy powers of the British Crown, which will revert to the Indian States, must as a matter of fact be vested in the people. It can thus be concluded that sovereignty over the States will really be vested in the people under any scheme to which the present-day Congress leaders may be a party. Indeed, Responsible Government in any shape or form is bound, in reality, to amount to a rule of the people themselves. The position of a Ruler as the constitutional head in a form of Responsible Government, is no better than that of a lifeless figurehead. If Responsible Government be granted in instalments, the checks and counter-checks and reservations of authority that an interim constitution may provide, is likely to prove to be absolutely unreal in actual practice, and lead to friction and misunderstanding between the Ruler and his people. They might indeed serve as a provocation to the people to defy the authority of the Ruler ; and whenever any occasion might arises for the exercise of the Ruler's reserve power deadlocks could easily be brought about by the people with the acting support of British Indian public opinion. Once a concession has been made by the grant even of a restricted form of Responsible Government the people will be better equipped to carry on a struggle for getting over the few remaining constitutional hurdles, and the Ruler will be powerless to resist them any further. I venture to think that in these circumstances, grant of Responsible Government by cautious instalments will fail to avert the final liquidation of the Princely order.

What is happening in Kashmir today may well be a pointer to the future possibilities in not a few Indian States. The 'Quit India' slogan in British India, when its success has been so well proved, will not fail to inspire the subjects of

Indian States, and their demand is not likely to be satisfied by the grant of a halting type of Responsible Government under the aegis of the Ruler.

Let us frankly admit that during the long years of British suzerainty over Indian States, the Rulers have come to depend more and more upon the support of the Paramount power, and less and less on the support of their people. Indeed, one result of the British Policy towards Indian States, whether deliberately intended or not, has been to undermine the authority of the Rulers over their people. Our people have thus been gradually alienated from us. British India, again, while befriending the cause of our people has painted us as mischievous relics of an archaic system which is propped up by the British authorities merely for their own purposes. The main prop of our existence is now being withdrawn. To my mind, it is idle to expect that we shall be able to find, at this late state, an equally strong substitute for it, either in a renewed support of our people, or reliable friendship of the British Indian, though for the time being we may be allowed to continue as a necessary evil to be got rid of in more favourable circumstances of the future. As time goes on, we shall perhaps appear more and more to be a barrier between the people of British India and the people of Indian States in their desire to come together in fulfilment of their common political idea.

The question that presents itself to me, whether we can suggest an alternative procedure and action which may lead to a fairly satisfactory solution of the problem that confronts us today. The only effective alternative that one can think of is voluntary liquidation of the Ruler which, though painful to contemplate, may, to my mind, be found to be a welcome and peaceful solution of the problem from the point of view of the Ruler and his people, as well as the country as a whole. The solution will, I dare say, appear to be too drastic or even fantastic to many; but it may prove to be the only realistic solution if one takes a sufficiently long view of the matter.

If we are not wanted by our people to continue in a position of authority over them, such an alternative proposal need aim at securing the material welfare of the Ruler and his family as the main, if not the only, objective that matters from our point of view. And it may not be difficult to obtain very generous terms of settlement of our claims, if negotiations take place before it is too late. The people of the States may now be prepared to pay an adequate price for a completely democratic constitution ; and the Ruler may be able to start on a useful and honourable career as a citizen of India, and may, if his inclination and capacity so favour, be still a leader of men. The members of his family may be started on a career of usefulness in various fields of economic or cultural activity. The Rulers may even be acclaimed as heroes who, by an unprecedented act of self-sacrifice, have made a valuable contribution to a permanent solution of a complicated political problem. If, on the other hand, we cling to our so-called sovereign rights and continue in a career constantly bickering with our people and British India, a renunciation of this character may be forced upon us in far less pleasant circumstances. By postponing the evil day, we may merely be denying ourselves the chances of an honourable exit from the stage, because when it comes about a later date our exit may well have the appearance of ignominious dismissal.

It goes without saying that the time has already arrived when we should take stock of the situation in all its aspects. And if no suitable action be taken on a consideration of the long range possibilities that we can envisage, we may eventually be confronted with an impasse which will compel us to take up arms against our own people. And speaking for myself, it would cause deep anguish to be driven in any circumstances to fight my own people to whose welfare I have devoted most of my life and energy.

Let me assure Your Highness that I have approached the question entirely from the point of view of States of the category to which Mayurbhanj belongs, and the opinion

that I have expressed above are the result of my own personal experience and of apprehensions genuinely entertained by me. There may be many States which are more fortunately situated than Mayurbhanj and to whom the conditions I have visualised do not apply. In venturing to make a frank avowal of my thoughts to Your Highness, I have not the least intention to influence a general decision on the momentous issue that faces us today. I would not, however, be honest to myself if I were not to intimate to Your Highness my own reactions to the future constitutional picture as I perceive it to be. It is impossible to foretell what the future holds for us ; and one can only try to read the signs of the time according to the light that is in him.

Trusting this finds Your Highness in the enjoyment of excellent health.

Yours sincerely,
Sd/ Pratap Ch. B. Deo.

His Highness the Nawab Ruler of Bhopal,
Bhopal

*Copy of reply dated 14th October, 1946 from Nawab of
Bhopal to H.H. Maharaja of Mayurbhanj.*

CONFIDENTIAL

BHOPAL

14th October, 1946.

Your Highness,

Many thanks for your confidential letter of the 19th September and for the frankness with which Your Highness has been good enough to state your present misgivings about the future. I will respect your confidence and will invoke the privilege of a friend in telling Your Highness equally frankly how I feel about the matter.

2. I agree with Your Highness that the position is not free from difficulty. I appreciate also the political temper in the country, and am not unmindful of the writing on the wall. I also realise that any alternative which is selected has obvious pitfalls and limitations. Nevertheless I am convinced, after careful consideration and heart-to-heart talks with the British Indian leaders and others concerned, that we can serve our motherland and our people and justify our traditions by taking the patriotic and courageous step of aligning ourselves with the progressive elements in the country and our States. This step would involve, as it must involve, substantial constitutional checks on the existing powers of Rulers, but there is no escape from it, and Rulers like Your Highness and myself should have the least hesitation and difficulties in adjusting ourselves to the requirements of the changed times. The other alternative of quitting the post or of claiming a price for voluntary liquidation or for giving constitutional reforms to our people would condemn us for ever to an unenviable place in our country and in History. Moreover even if such a step were politically feasible, there is no guarantee that the price thus charged could help the Rulers concerned in the difficult times ahead when surging waves of Socialism may cut the roots of all accumulated unearned capital. In expressing these views, let me repeat, that I do not minimise the difficulties which face us all, nor am I unmindful of the dangerous potentialities for such Rulers as are not prepared for a redical constitutionalising of their administrations and for adjusting their States to the changing times. Notwithstanding all these factors there appears to me to be no need for any desperate hurry or for an unjustified sense of despair. On the other hand, Your Highness may accept it from me that with the adjustments mentioned above, the Order of Princes can still make a contribution in the Greater India, which we are trying to set up, of which we need not feel ashamed.

3. I am happy to learn that with your characteristic farsight, Your Highness has not yet committed yourself to any

serious step. I know also that you will give full weight to the possible reactions of any proposed action not only on Your Highness' State and Dynasty but also on others faced with similar circumstances. I would therefore welcome an opportunity at the forthcoming meetings of the Standing Committee to have a heart-to-heart talk with Your Highness. There is much that I wish to tell you which cannot be written, and I look forward to talking over matters at our next meeting

Trusting this finds Your Highness in the enjoyment of excellent health, and with affectionate regards.

Yours very sincerely,
Sd/ Hamidullah.

*Copy of letter dated 9. 5. 46 from His Highness Maharaja,
ayurbhanj to Maharawal of Dungarpur*

Your Highness,

His Highness the Maharaja Saheb of Patna has sent me a summary of the Proceedings of the meeting of Standing Committee of Chamber of Princes held on 12th, 13th and 14th March, which owing to certain circumstances, I could not attend. I have noted with particular interest the summary of discussion about Political situation. It seems His Highness the Chancellor was authorised by the Committee to tell Ganhihi that the Princes would be willing to agree to Responsible Government by stages, and that he might commit the States up to that limit, if necessary for, a satisfactory solution of the negotiations. His Highness Bhopal, I learn, said that he would try to get a settlement for much less if possible, but was glad to have been given such a wide mandate by the Standing Committee. Your Highness must be aware of all this, as you attended the meeting. I do not, for a moment, doubt the sincerity and motive

that inspired this decision, but I feel with all honesty of conviction that this approach to the problem is not only incorrect but purposeless and unavailing. I have for a long time felt that I should give expression to my views on the future of Indian States, but so far I have refrained because I feared that my views, being so unconventional and bold, might be unwelcome and misunderstood. I can however, depend on Your Highness not to misunderstand me, and to judge my views on their merit with an open and unbiased mind.

The cause of monarchy is at discount all over the globe. We are told that the institution of kingship has outlived its utility and it is an anachronism and a feudalistic relic. I may be inclined to agree with the latter two opinions, but I firmly believe that kings or rulers in one shape or another are certain to be there, when the present day fever for vote, democracy and majority Rule was subsided. We see evidence of this in many countries in the world, where democracy has utterly failed to give even law and order, what to speak of good Government to its people. However let us leave this matter of future for future to decide.

Let us consider our present position. It is not enviable. With the limitations and restrictions imposed on our authority by the crown department, our capacity for good (or for evil) is very limited. Besides constant interference even in the day to day administration of the state, our private affairs do not escape the scrutiny of the Resident. Our authority is a farce, the real Rulers are the Residents and the Political Officers. We are puppets and tools in their hands. Our protests and representations against thier interference are ignored. The will of the British Government in India must be and is carried out, whether under the cloak of "advice" or open pressure. We are powerless to resist, because we lost all powers to resist long ago. The yellow patches on the map of India are a mockery. We may have hundred chamber organisations to plead our case, but what use would they be in a court where the prosecutor and

judge are the same person? Now take the other side of the picture. We are nothing but anachronisms and feudalistic relics to the vast majority of our political minded countrymen. They have no sympathy for us. They feel that we are the worst type of reactionaries, and had not been for us, the British Rule would have long ago crumbled in India. There is no denying this, we have always taken a doubtful pride in having come to the rescue of the paramount power whenever it was in danger. This being the attitude of the British Indians, we should not be surprised or hurt when our own people are also affected by this spirit. Sedition knows no frontiers.

Let us now visualise where the negotiations with the British India politicians will lead us. Gandhiji has reiterated his friendship and sympathy for the Princes. He has admitted fairness of Princes' demand for guarantees for the future. In fact of our bargaining power being high at the moment; because of the differences between the two major political parties in the country, it will not be difficult to get these guarantees. The only question is what are these guarantees worth. If it were certain that the present leadership of the Congress party will remain in power for ever, we may safely rely on these guarantees. Unfortunately it looks very doubtful if the present leadership will continue for long. At the present moment the battle-cry of the Congress is freedom from foreign domination, and it provides a common platform for all political groups. Ideological differences are kept in back-ground, because everyone knows that the only way of driving out the British is by strengthening the Popular front. The Rightist group, which is the best organised and most powerful group in the organisation, now controls the machinery of the Congress. It is almost certain that, before long the Rightist will be swept off and the leadership will pass into the hands of leftists, who represent Socialists, Kishan Sabhas etc. The change may not come immediately after the British withdrawal, but it is bound to come sooner or later. India is getting industrialised rapidly and a new and a powerful element, the labour class, is emerging

in the political arena. The recent riots in Bombay and Calcutta indicate the tremendous momentum the labour movement has gained. However it is clear that the Rightist group will not be able to retain power for long after India is free. In that case our guarantors will have disappeared. Their sympathy and friendship cannot save us then, in fact it may prove enough to condemn us. All this I have discussed to show that the guarantees and pledges that may be given to us by the present leaders of the Congress will prove worthless and illusory after some time. We shall have only postponed the evil day. Meanwhile we shall have lost all the bargaining power we have now.

Next we are told that if we concede Responsible Government to our people, our future is assured. I am afraid this too will prove an illusion. First I believe that kingship and democracy are such opposites that both the institutions can never co-exist. Either you have one or the other. Constitutional monarchy is democracy with a king as a mere figurehead, who counts for nothing and does nothing, except, may be a few handshakes at a State function or a few visits to slums. We cannot also console ourselves with the thoughts that we will give half the power to people and retain half for ourselves. It would be futile to think on these lines, as once a part of power has slipped into the hands of the people, a Ruler will be helpless to retain the other half as he will have no sanction behind him. Eventually a Ruler will be reduced to such a humiliating state of powerlessness, that he will begin to wonder whether it is worthwhile for him to continue to be such an ineffectual non-entity, as he will have become. But at that time he will find that he has lost all bargaining power, and will consider himself lucky if he is left off with his clothes in his body. Your Highness may think that I am being unduly pessimistic when I envisage this state of affairs. But I am not a pessimist. Only my approach is realistic. I realise that we are at cross roads. If we try to resist the historical forces, we are doomed. The wave of democracy is rolling down on us.

Either we step aside and let it roll on, or we stand in its way and get floundered. We cannot trick history and seek compromises and adjustments with the will of the people.

I have written with utmost candour. These views may appear unconventional and startling. But I believe it is better to shock with a truth than sooth with a lie. It is no use shutting our eyes like an ostrich, and believing that nobody sees us since we see nobody. We have to face the facts. I have pondered over this problem for a long time. I feel that it is a tragedy that our minds are so preoccupied with questions of paramountcy, Honours and ceremonials, Protections and safeguards, that we have completely lost sight of one essential fact i.e., is it in keeping with our ideals of Indian kingship that we should fight our own people and oppose their wishes in regard to the type of Government they want for themselves? May be they are wrong, but does it justify us to turn them into our enemies and become objects of their hatred? At any rate, I shrink from contemplation of such a possibility. I would not like to wait till I am actually told to go by my people. It would be a graceless exit and quite out of tune with our traditions of honour and self-respect.

I shall look forward to receiving Your Highness' views on what I have written in this letter.

I trust Your Highness is in the enjoyment of excellent health.

Yours sincerely,
Sd/ P. C. B. Deo
9. 5. 46.

*Copy of reply dated 16th May, 1946 from Maharawal of
Dungarpur.*

CONFIDENTIAL

Your Highness,

I thank your Highness most cordially for your letter of the 10 May. Unfortunately, I was not present at the Standing Committee meeting held on the 12th, 13th and 14th, March, 1946, but I agree with every word that you state.

I have had a very long talk with your Highness' Private Secretary on the subject of your letter. I fear your reading of the position is accurate and the future for the Princes is dismal indeed. Mr. Saraf will convey to your Highness my views on the subject. Conditions from State to State vary so much that your Highness' views might not be acceptable to a number of Princes. To those Princes who feel that the future is somewhat more re-assuring and not merely a matter of time, your views will likewise be regarded even fantastic. But there is no reason why an individual Prince should not, in his own interest, act in the manner your Highness envisages, if he has the conviction to do so.

I appreciate Your Highness' letter to the full. You have expressed yourself with the utmost candour and coming, as it does, from a friend for whose wisdom, foresight and high sense and self-respect, I have much admiration. I value your letter all the more.

I trust Your Highness is in the enjoyment of excellent health.

Yours sincerely,
Sd / Lakshman Singh

To

Flight Lt. His Highness the Maharaja
Sahib of Mayurbhanj, K. C. I. E.,
BARIPADA.

APPENDIX II

A Plea for Amalgamation of Orissa Feudatory States with the Province of Orissa.

(Published by the Provincial Congress Committee, Orissa 1946)

CHAPTER I

Brief Administrative and Historical Account.

The Orissa feudatory states number 26, covering an area of 28,444 sq. miles with a population of about 50 lakhs. They extend for 170 miles from North to South and about 240 miles from East to West. The aggregate income of all the States combined come to about one crore of rupees. They comprise the following States now included under the category of the Eastern States Agency.

- | | |
|---------------|----------------|
| 1. Athgarh | 14. Kharsuan |
| 2. Athmallik | 15. Mayurbhanj |
| 3. Bamra | 16. Narsingpur |
| 4. Baramba | 17. Nayagarh |
| 5. Baud | 18. Nilgiri |
| 6. Bonai | 19. Pallahara |
| 7. Daspalla | 20. Patna |
| 8. Dhenkanal | 21. Rairakhol |
| 9. Gangpur | 22. Ranpur |
| 10. Hindol | 23. Seraikella |
| 11. Kalahandi | 24. Sonapur |
| 12. Keonjhar | 25. Talcher |
| 13. Khandpara | 26. Tigria. |

17 Tributary Mahals of Orissa.

Of these the states of Athgarh, Athmallik, Baramba, Baud, Daspalla, Dhenkanal, Hindol, Keonjhar, Khandpara, Mayurbhanj, Narsingpur, Nayagarh, Nilgiri, Pallahara, Ranpur,

Talcher and Tigris, were known as Tributary Mahals of Orissa. The Province of Orissa (as it then existed and called the Province of Cuttack) together with the country termed the Tributary Mahals, was conquered by the British from the Maharattas in 1803, and afterwards formed the subject of a treaty entered into with the Bhonslas. Sena Saheb Raghuji Bhonsla on the 13th December 1803, by which the country including these Tributary Mahals was ceded to the British "in perpetual sovereignty". The British Government then proceeded to legislate for this new territory and passed Regulation IV of 1804 to provide for the administration of criminal justice, and the authority of the police. This Regulation states that the British rule over this territory dated not from the treaty of 13th December 1803, but from that of the conquest of Cuttack on 14th October 1803.

Regulation IV of 1804

The Regulation IV of 1804 deals with the "Province of Cuttack including Balasore and the other dependencies of the said Province". Whatever doubt there may be, regarding the inclusion of the Tributary Mahals as dependencies of the Province of Cuttack within the operation of this regulation is removed categorically by the Regulation passed in the following year.

Regulation XII, XIII & XIV of 1805

By Regulation XII, XIII and XIV of 1805 the Regulation IV of 1804 was repealed and these regulations were passed providing respectively for the Revenue, Criminal and Civil administration of the Province of Cuttack, and the sections 36, 13 and 11 of these respective regulations specifically exempt the Tributary Mahals from the operation of those laws which it was declared shall not be "construed for the present to extend to the *Estates* of certain hills or jungle Rajas or Zamindars" of which a list was given. It may be submitted here, that, there would have been no necessity for this provision if the law of

1804 had not been intended to apply, and did not apply, to the Estates of these Rajas or Zamindars and if, in the opinion of Government the legislation for the Province of Cuttack would not otherwise extend to these Estates. Provision akin to the spirit of such provision is not rare even at the present time and can be met with these relating to those of the partially excluded and scheduled districts of the present time.

Thereafter various regulations were passed regarding these Tributary Mahals. The following are important regulations.

Regulation X of 1816 Superintendent of Tributary Mahals

Regulation X of 1816 was enacted to provide for the trial and determination of "claims to the right of inheritance or succession in certain Tributary Estates in Zilla Cuttack". This regulation gives jurisdiction to the Superintendent of Tributary Mahals with an appeal to the Privy Council. The office of the Superintendent of Tributary Mahals had been created in 1814 and the Commissioner of Orissa was made the ex-officio Superintendent.

Regulation XXI of 1845 & XX of 1850

In Act XXI of 1845 the internal administration of these States were interfered with. Had these States been foreign states Government would have interfered politically and not by legislative enactment. The next important act is Act XX of 1850. It recites "whereas certain jungle or hill Zamindaries in the Zilla of Cuttack enumerated in Section 33, Regulation XII and the territory of Mayurbhanj in the same Zilla are temporarily exempted by the said Regulation" "and were temporarily exempted from the laws and regulations for the maintenance of the police, and for the administration of justice in criminal cases". This act provided for the determination of boundaries of these Zamindaries not only between these but as between one another.

Assistants to Superintendent of Tributary Mahals

The Government had also appointed the Collector of Cuttack, Puri and Balasore as ex-officio assistant superintendent of Tributary Mahals and finally in 1851 Government appointed Magistrate of Midnapur as ex-officio assistant to the Superintendent of Tributary Mahals.

Civil & Criminal Justice

In 1839 & 1840 rules were framed for the administration of civil and criminal justice in the States. By these rules the Rajas were among other things prohibited from exercising the powers of life and death and from allowing the practice of *Sati* and human sacrifice. In 1842 all the seventeen States except Khandpara, agreed to suppress *Sati*. In 1862 Sanads were granted to all the Chiefs guaranteeing them the right of adoption. In 1874 the hereditary title of Raja was conferred on them all. The Chiefs of the Mahals were persuaded in 1875 to abandon all monopoly of salt and all restrictions on its free transit through or sale in their territories.

Bonai & Gangpur

Bonai and Gangpur (Nos. 6 and 9) in the list were ceded to the British Government in 1803 by the Maharatta chief Raghuji Bhonsla but were restored to him in 1806. They reverted to British Government in 1818 and were finally ceded by the treaty of 1826. In 1854 they were transferred to the charge of the Commissioner of Chhotanagpur. In 1863 the Government of Bengal issued rules for the guidance of the chiefs of the Tributary Mahals of Chhotanagpur in the administration of justice in their respective jurisdiction. The powers exercised by British Courts in respect of criminal cases arising in these two States, were regularised by the same notification as that which governed these matters in the original Tributary Mahals of Orissa. In 1905 October, these States were transferred from the Chhotanagpur division and included in the group of the Orissa States.

Patna, Kalahandi, Sonapur, Bamra & Rairakhol

The states of Patna, Kalahandi, Sonapur, Bamra and Rairakhol were formerly known as Central Provinces States. Under the Maharattas rule they were more of the nature of Zamindaries than feudatories. The Bengal Gazetteer, (Orissa Feudatory States) states at page 28 as follows :—"The Nagpur Zamindaries in which group Kalahandi was included, were notwithstanding their official authority and administrative influence, dependent on, and subject to the Government of the day and this dependence was real under the Maratha Government". Adoption sanads were granted to Kalahandi in 1862, Bamra, Patna and Sonapur in 1865 and Rairakhol in 1866. In 1867 sanads were granted to these five states giving them powers of life and death subject to confirmation of an officer of the British Government. In 1905 they were transferred to the Province of Orissa and included within the group of Orissa States.

Seraikella and Kharsuan

Seraikella and Kharsuan were with Bonai and Gangpur included in the South Western Frontier Agency in 1833. They were in 1916 placed under the Commissioner of Chhotanagpur assisted by the Political Agent, Orissa till in 1922 they were transferred to the Orissa Agency. In common with other states in Chhotanagpur the Chiefs of Seraikella and Kharsuan were to be guided by the rules framed in 1863 limiting their judicial powers. The powers exercised by British Courts in respect of criminal cases arising in these States have been regularized by Notification No. 768-B-425 Intl., dated the 1st April, 1922 of Foreign and Political department which also indicates the law and procedure by which such courts are to be guided.

Present Political Status of the Feudatory States of Orissa

The present political and constitutional status of Feudatory States of Orissa, so far as the British Governments' policy is concerned, can be said to date from 1888 when it was decided by the Secretary of State in Council that the 17 Tributary Mahals of Orissa do not form part of British India

and in consequence of this decision new sanads were given on the 27th October, 1894 to all the Chiefs, defining their status, powers and position. In 1891 the Secretary of State also decided that the Chhotanagpur State including Bonai and Gangpur (which were included afterwards with Orissa States) do not form part of British India and new sanads were granted to these States in 1899 defining their status. With regard to ex-Central Provinces States of Bamra, Kalahandi, Patna, Rairakhol and Sonapur, it was the sanads of 1905 wherein the designation of these States were changed from Tributary to Feudatory. With regard to Saraikella and Kharsuan their status as feudatories was formerly declared in 1891 when the Secretary of State decided that the Chhotanagpur States do not form part of the British India.

In short the political history of the so-called Orissa States is that they were originally ordinary estates holding exactly the same kinds of sanads as some of the estates now in the Province of Orissa but they were kept out of the regulations on account of their inaccessibility and of the uncivilised character of the inhabitants thereof. Nevertheless the District Magistrates of the adjoining districts and the Commissioners of the adjoining divisions were the administrators of these estates and under them the Rajas used to work as agents. This system held good even when the so-called Political Agents were appointed. Along with the introduction of the Mont-Ford Reforms in British India, the Governor-in-Council of Bihar and Orissa was appointed as the Agent to the Central Government for the Orissa States. Then with the introduction of the Government of India Act, 1935, the Orissa States were completely separated from the Provinces of Orissa and the Zamindars were given all powers of rulers.

The original policy of the British Government towards these States as declared by the then authorities and also as understood by the officers concerned will be clear from some of the authoritative documents discussed in the second chapter.

CHAPTER II

In spite of the official decision of the British Imperial Policy as expressed in the declaration of the Secretary of State in Council in 1888 and afterwards, the public conscience has not been satisfied on the subject of the relationship of Orissa States with British Orissa. In this matter the opinion of the official and authorities with the administration of the so-called Feudatory States rather strongly supports the view that historically and constitutionally the Orissa States are part and parcel of British Orissa. Even assuming that British Government, can by declaration retrospectively exclude the Feudatory States of Orissa from the operation of municipal law of British Orissa and India, all round welfare of the territories and people of the States and other Province of Orissa require that the policy of the British Government should be again changed so as to include these States within British Orissa.

Judicial opinion is not unanimous on the point

Three eminent judgments of the Calcutta High Court have in 1881 (Cunningham and Princet 73) and in 1882 (Mitter and Cunningham JJ.) found sufficient materials in the official records to come to a decision that Tributary Mahals do form a part of British India. Reference may be made in this connexion to the reasons adopted by the judgments of Mitter and Princet JJ. of Calcutta High Court of 11th March, 1882, wherein they have boldly differed from the opinion of three other judges in this respect.

Opinion of officials was unanimous that Orissa States are parts of British India

In the selection of records of Bengal Government containing papers on Settlement of Cuttack and State of the Tributary Mahals, published in 1851 by the Bengal Government, at page 97 we find the first authoritative pronouncement by the Governor-General in Council on the subject. Mr. Henry Rickets the then Superintendent of the Tributary Mahals

writing in 1839 quotes the orders of the Governor-General in Council passed on 10th February 1814 regarding the exception of Tributary Mahals from regulations—

The intention and policy of the then Government in their relation with the Tributary Mahals of Orissa now raised to the status of Feudatory States was clearly stated in the orders of the Governor-General in Council in 1814 when the appointment of Superintendent of Tributary Mahals was created. That order which was a definite pledge to the people of the Orissa States is quoted below *in extenso*.

The order of Governor-General in Council in 1814

“With respect to the Office of Superintendent of the Tributary Estates, your attention is desired to the following remarks and instruction :—

“Under the existing Regulations (Sections 36 and 37 Regulation XII, 1805 Section 13, Reg. XIII, 1805) certain estates situated within the limits of the district of Cuttack are exempt from the operation of the general Regulations, but pay a fixed annual revenue to Government.

“The Governor-General in Council does not understand that such exemption was founded upon any claims which the proprietors of those Estates have to the exercise of independent authority. On the contrary, His Lordship in Council apprehends that it originated entirely from the opinion which was entertained of the uncivilized manners of the zemindars themselves, and of the inhabitants generally of those places, combined with the nature of the country which was supposed to consist for the most part of hills and jungles. These circumstances, of course, render it extremely difficult to execute any process of the Courts of Judicature, or otherwise to give effect to any orders which the Judge, the Magistrate or Collector in the discharge of their public functions may have occasion to enforce in any of those places.

“From this short review of the subject, it follows that the continuance of the above mentioned Estates on their present footing is a mere question of expediency, and that there is not anything in the nature of our connection with the proprietors of these which should preclude us from placing them under the ordinary jurisdiction of the Civil and Criminal Courts, should it at any time be thought advisable, with reference to the points noticed in the preceding paragraph to do so. It will, of course, be understood that in adopting any arrangements of that nature, no alteration is to be made in the amount of the revenue payable by the proprietors of the above mentioned Estates respectively which has been declared (Section 36, Regulation XII of 1805) to be fixed in perpetuity.

“Under the circumstances above noticed, it will be one of the first objects of your consideration to inform yourself whether any of the Mahals to which the foregoing paragraphs refer can be conveniently brought under the ordinary jurisdiction of the Civil and Criminal Courts, and to report the result of your enquiries on that subject to Government”.

In 1879 the Superintendent of the Tributary Mahals submitted a note to the Bengal Government to the effect that “The States still under the Control of the Rajas are, I presume to be regulated as part of British India. It is only a matter of convenience that they have not been brought under the ordinary system of administration” (quoted from page 30 of the Enquiry Committee Report; Orissa States : 1939). The opinion of Mr. A. Smith, Superintendent of Tributary Mahal in 1882 even after the judgment of the High Court to the contrary was as follows :—“I have carefully considered and studied this question and I have come to the decided opinion that the Tributary States are part of British India as defined in clause 8, section 2 Act I of 1860”. The grounds of decision of the able office can be studied with interest as embodying all points for consideration (quoted from page 271-276 of the Enquiry Committee Report, Orissa States, 1939). The Government of Bengal submitted a report to the Government of India

after the decision of the High Court in 1882 where it was asserted as follows :—"The Lieutenant-Governor has no hesitation in saying that his own opinion inclines very strongly to the contention that these Tributary States are included in British India".

Opinion of Jurists

Sir Henry Maine the eminent jurist was of opinion that the Feudatory States are mere zamindaries. His opinion quoted at pages 39 and 40 of the Orissa States Enquiry Committee report can be summarized as follows :—"The language of the regulation (1805) leaves in my mind the impression that its framers entertained no doubt of their power to legislate for the Mahals and merely abstained from doing so on ground of expediency". Sir A. Habhouse gives a detailed opinion on the subject and his conclusion were as follows :—"I concur with the late and present Lieutenant-Governor of Bengal in thinking that the Tributary Mahals must be taken as parts of British India. I find that Sir Henry Maine was also of this opinion, though he expressed it with some reserve".

The opinion of Secretary of State does not conclude the matter of inclusion of Feudatory States with British Orissa

The officials of India understood the declaration of the Secretary of State to be made on Imperial policy. Sir Stuart Burly and Sir Charles Edge, Chief Secretary to the Government of Bengal understood it in that way. The Government of India in proposing draft sanads for the Chief found it difficult to accept the position that these rulers have sovereign rights akin to other native rulers of India. The term "expedience" as understood by the officials from 1834 in its application to the Feudatory States was undoubtedly the administrative one. It was never meant to be one of Imperial policy which has the effect of putting a clog to the further material and moral advancement of the people inhabiting the Feudatory States. If the matter is one of policy it can be changed, in view of the changed circumstances of the time when even the fundamental

minimum political and administrative progress postulates the political union of the Orissa States with British Orissa.

Internal progress of States not possible without political union

The detailed report on the internal administration of the Tributary Mahal of Orissa submitted by Mr. Henry Ricket in 1839 and the minute submitted by A. J. Moffatt Mills, in 1847, both Superintendents of Tributary Mahals published in the "Selection from records of the Bengal Government (1851)" leave no manner of doubt that substantial improvement in the condition of the Feudatory States is possible without their inclusion in the regular British districts of Orissa. Again and again these officials submitted their strong opinion that the general laws of the British districts should be extended to these Mahals. But their suggestions were not accepted on grounds of expediency.

Report of the Enquiry Committee , Orissa States , 1939

The miserable condition of the people attracted the attention of the people, and the Orissa States Enquiry Committee in 1938-1939 after careful enquiry came to detailed findings on the subject (report published by Orissa Mission Press 1939). The shocking revelation on the miserable plight of the States subjects is the strongest argument in favour of their amalgamation.

CHAPTER III

**Administration & Economic Planning not possible without
Amalgamation**

The geographical feature of the country and the smallness of the States (which in some cases verge on absurdity) call for an urgent economic and administrative planning for their welfare. But such is the mutual dependence of these regions and the British Orissa Province that without a political union planning is impossible. Both are part and parcel of one economic, political, geographical, historical, linguistic unit. Same river systems serve both. In the words of the members of the Orissa States Enquiry Committee, "The people of these states have everything in common with their neighbours in the Province of Orissa, except in the matter of administration. Common culture, social usages, religious thought and mode of living bind the people who are cut in several political jurisdictions. The same literature inspires them and awakens common ideals and aspirations". With the shield of "Treaty obligation" in their hands the Chiefs who were during the past centuries regarded as Zamindars and were part and parcel of the Orissa Administration, are now competent in opposing every major political and administrative (both executive and judicial) proposals. A common high court for Orissa and Orissan States has yet not been possible owing to the intervention of the political theory of sovereignty in the States. It is to be remembered that sanads which were originally granted to them were same as was granted to the important zamindars now regarded as permanently settled estates in the Province of Orissa. The amount paid by them was called "Revenue". But for the declaration made by the Secretary of State, the Chiefs themselves would have never aspired after a status which excludes them from British India.

Attlee Committee's Report

The question of relationship between Orissa administration & Orissan Feudatory States is of such vital importance to the wellbeing of the Province of Orissa, that even the members of the Orissa Sub-Committee of the Indian Statutory Commission (Simon Commission) while envisaging the creation of a separate Province for Orissa could not overlook the matter. Major Attlee the present British Premier was the Chairman of this subcommittee. No doubt this commission had to accept the official theory that Orissa Feudatory States were no part of British Orissa. This was because it was not asked to re-examine the matter. But the Subcommittee could not but find that for the functioning of a Province for Orissa, the Orissan States & its relationship with Orissa cannot be overlooked. The Subcommittee finds at page 50, of the volume II of the Report of the Indian Statutory Commission (Appendix IV para 3) in these words, "The Orissa Feudatory States which are not part of British India should be brought into relationship with any administration set up for Orissa".

Report of the Committee appointed to enquire into the possibility of setting up a High Court in Orissa (1942-43)

That no responsible planning for Orissa administration without thinking of joint interest of Orissa & other Orissan States is further illustrated by the conclusion arrived at by the unanimous report of the members of the Committee known as High Court Enquiry Committee in 1942 by the Provincial Government. The report observed, "It has long been hoped in British Orissa that a joint High Court might be set up covering both the province and the States.....practical advantages of the joint High Court are so obvious that it must be mentioned".

Smooth functioning of the Orissa Administration impossible without amalgamation

The difficulties with regard to planning and with regard to day to day administration of the Province of Orissa are insurmountable until and unless the States are amalgamated with the

Province of Orissa. In public health no comprehensive scheme can be thought of unless the States are brought under the administrative control of the Province. Epidemics occurring in the States do invariably spread to the Province. Crimes cannot be checked, criminals cannot be effectively brought under control unless the present political barrier between the States and the Province are removed. The present law of extradition has proved to be one of the greatest handicaps in the administration of the criminal law of the Province. A vast majority of the inhabitants of Orissa have homes both in the States and in the Province. Social relationship, tie of blood and kinship, do not obey artificial barriers. The political boundaries have therefore proved more to the detriment of the people and administration both of the States and the Province of Orissa. No planning for the excise administration has proved to be a success in Orissa, mainly of the political division of Orissa and the Orissan States, and all schemes and plans for Orissa have foundered on the bedrock of "Treaty right". Even moderate planning for the Province of Orissa have been frustrated by the separation. The position in extraordinary times has proved to be rather menacing. Fixation of prices of food stuffs, control of essential commodities in war and other exigencies have become impossible. The "grow more food" campaign in Orissa is not complete without a total plan for Orissa and her States. In everyday life, people of the States and the Province count upon reciprocal benefits. Food system has suffered dislocation in the war period both in the States and the Province due to want of co-ordinated efforts. Control of flood inconceivable with reference only to Province of Orissa. Industrialisation, including both heavy and light industries, which must include the whole, a single economic and larger unit, has become a moonshine in Orissa due to the non-inclusion of the region of the native States under the Provincial purview. The future of Orissa and the States depend mainly on the question of amalgamation. To overlook this aspect of the question is to overlook the *sine-qua-non* of the future welfare of 15 millions of people.

Looking forward

With the progress of science the human affairs are tending more and more towards larger organisations. In the whirlpool of modern economic and political problem the smaller the political organisation the larger become the burden of the individual comprising it. It is one of the most unfortunate circumstances of Indian history that in Orissa 26 small units will be allowed to stop much of progress of an united people. It is a tragic circumstance that under a theory of "Treaty rights" which did not really exist, the plains of the Orissa coastal region would be divorced from its hinterland, natural resources which are identically complementary to one another would be kept apart, and hilly and jungle areas, where combined larger human organisation alone is competent to conquer nature, people should be allowed to drag on their miserable existence on the forced theory of separation.

ORISSA STATES

Name	Area in Sq. miles.	Population (1931)	Income (1938)
1. Dhenkanal	1,486	2,84,328	Rs. 5,31,000
2. Nilgiri	284	68,598	Rs. 1,73,000
3. Talcher	399	69,702	Rs. 2,94,000
4. Nayagarh	590	1,42,399	Rs. 3,96,000
5. Rairakhol	833	36,710	Rs. 87,000
6. Athgarh	168	50,184	Rs. 1,48,000
7. Pallahara	452	27,975	Rs. 79,000
8. Gangpur State	2,492	3,56,388	Rs. 5,08,000
9. Ranpur	203	47,713	Rs. 71,000
10. Hindol	312	48,897	Rs. 1,26,000
11. Bamra	1,288	1,51,259	Rs. 4,24,000
12. Daspalla	568	42,650	Rs. 1,20,000
13. Sonapur	906	2,37,945	Rs. 4,92,000
14. Khandpara	244	77,930	Rs. 1,48,000
15. Athmallik	730	64,276	Rs. 2,17,000
16. Baud	1,264	1,45,248	Rs. 3,21,000
17. Bonai	1,296	80,144	Rs. 1,76,000
18. Baramba	142	46,689	Rs. 97,000
19. Narsingpur	199	40,882	Rs. 1,11,000
20. Kalahandi	3,745	5,13,716	Rs. 6,25,000
21. Seraikella	449	1,38,671	Rs. 3,34,000
22. Tigiria	46	24,680	Rs. 45,000
23. Keonjhar	3,096	4,60,647	Rs. 9,79,000
24. Patna State	2,511	5,66,924	Rs. 9,07,000
25. Mayurbhanj	4,243	8,89,603	Rs. 29,41,000
26. Kharsuan			

APPENDIX III.

Political Department.
India.

SECRET

New Delhi,
26th April, 1946.

My dear Todd,

I enclose a copy of a note by Mr. Mahtab, Premier of Orissa, which I discussed with him and his Parliamentary Secretary during their recent visit to Delhi to see the Cabinet Mission.

2. The suggestions made in the Note clearly go much too far, and it is inevitable, I suppose, that any proposal for joint planning and organisation by the Orissa Province and the Orissa States would at once arouse the suspicion of the Rulers concerned, who have already reacted strongly to the propaganda in the local Press advocating the absorption of the States in the Province. The fact remains, however, that the economic interests of the Province and the States are so vitally inter-connected that joint planning is essential if the welfare of the inhabitants of these areas is to be secured; and you will probably agree that political considerations should not be allowed to stand in the way of measures which would undoubtedly prove of benefit to the people at large.

3. I mentioned at the Residents' Conference that the Central Government have accepted the principle of the regionalisation of industry, and will give practical encouragement to regional schemes so that development may be spread as evenly as possible throughout the country. I mentioned too, you may remember, that a scheme of the Planning and Development Department for appointing Regional Development Officers had not materialised and that the initiative in co-ordinating States' schemes with those of neighbouring Provinces had therefore devolved on Residents who, amongst other measures designed to secure regional co-operation, had been able to institute joint discussions with Provincial representatives on special regional schemes or had secured States' representation on Provincial

Boards and Committees. I should be interested to know whether you have yet made any approach to the Orissa Government on these lines. If not, do you think it would be possible, without exciting undue apprehension among the Rulers, to make such an approach now, beginning, perhaps, with joint planning for food, and later extending the field of joint consultation to projects concerned with industrial development ?

4. In the course of my talk with Mr. Mahtab he expressed the view that, if economic liaison between the States and the Province could be established on a satisfactory basis, the Orissa Government might be much more disposed than they were in 1938 to restrain subjects of the Province from promoting or taking part in agitation directed against the States. This observation can be variously interpreted—as a hint, or a promise, or even as a threat. But, taking it at its face value, I am inclined to agree that if Provincial and States' representatives can be brought together to work out in collaboration schemes for the economic betterment of the inhabitants of the region as a whole, political animosities may well recede into the background. Some of the more enlightened Rulers or Dewans may, perhaps, appreciate this point; but I realise that any approach will have to be tactfully made and that an attempt to go too fast at this stage would only delay real progress.

5. Mr. Mahtab will, I expect, want to see me again when he comes to Delhi for further constitutional discussions, and I should be glad to have your preliminary reactions as soon as practicable.

The best plan in due course would presumably be for you to contact the Premier direct, as soon as we are clear as to the best line of advance.

Yours sincerely,
Sd./- Corfield
(Political Adviser to H. E. the
Crown Representative).

The Hon'ble Mr. H. J. Todd, CIE.,
Resident for the Eastern States.

D.O. No. C. 30-13 / 46-P.

SECRET

Hastings House, Alipore,
Calcutta, dated the 6th May 1946.

My dear Corfield,

Reference your Secret demi-official letter No. F. 17-R(S)/46 of the 26th April.

2. I am very interested—and amused—to hear that Mr. Mahtab has made this approach. It tends to confirm views I have expressed to some of the very disturbed Rulers to the effect that, *vis-a-vis* the Orissa Province, the Orissa States hold some very useful trump cards.

3. In the terms of our discussions at the Residents' Conference in Delhi, Orissa has at present no political or financial stability—and even its 'popular representation' is questionable in view of its large zamindari alienations. The area of the Province is only 32,000 sq. miles and its revenue between 2 and 3 crores, necessitating a heavy subvention from the Centre. The Congress Party in Orissa have, I understand, been dreaming not only of swallowing the States but also of stealing districts from Madras in the south and Bengal and Bihar in the north, which ambition has not endeared them to their Congress opposite numbers in those Provinces.

4. Mahtab refers to 26 States ; so he must be imagining that Patna and Kalahandi are still in the Orissa States Agency, and his 26th is presumably Mayurbhanj. The population, area, and revenue of these 26 States are 5,340,000 ; 29,000 sq. miles ; and nearly rupees 2 crores respectively. They command the upper reaches of the rivers and they possess valuable potentials of forest, minerals and assured rainfall, far in excess of those of Orissa.

5. It looks as if Mr. Mahtab thinks he stands a better chance of strengthening his tottering Province by a friendly approach to the States than by an approach to his neighbouring

Congress friends. Any way the States have some pretty good cards if they play them cleverly—in fact the weakness of Orissa may be their best hope of success of the scheme they are at present discussing of a union or confederation of these small States. Having seen something of the standard of administration in this poverty stricken Province I am tempted to feel that the States—if only they would get a move on and evolve something strong and united—aspire to swallow Orissa rather than the reverse.

6. The danger to the States is in their weak outposts—Nilgiri, Dhenkanal, Athgarh, Tigiria, Ranpur, Nayagarh. If only they had some of their good Rulers in the front line their cause would be greatly strengthened.

7. I entirely agree, of course, with the latter part of your paragraph 2 and actually with Hawthorne Lewis and his Government I had advanced a considerable way along those lines.

Food.—Both Orissa Province and the States are surplus. Jha who was until recently Director of Civil Supplies, Orissa was in close touch with me and I used to invite him to my Food Conference with the States. He agreed with my policy of fixation of cultivators prices etc. and we are in close touch over such fixations.

Cloth.—Again we were working hand in glove with Orissa and Jha was most helpful. We put our cases jointly to the Textile Commissioner, received a joint quota of cloth and yarn and arranged internal distribution amongst ourselves. We have two State Assistant Textile Commissioners, one for Chhattisgarh and one for Orissa States and they collaborate with Jha (and now with his successor).

Public Health.—We made the move over this as we considered that we were more “sanitary” than Orissa. The latter were very slow at responding to our approach and even a private letter to Lewis failed to get much out of them.

I had also planned joint discussions on opium, bhang and ganja as we are adversely affected on the Orissa border by their failure to support any proposal for licensing addicts, restricting sales etc.

Irrigation—The Mahanadi Scheme States are already associated with the Orissa deliberations and I have recommended to the States concerned to set up a small representative Committee to conduct discussions with Orissa.

Education.—The Utkal University at Cuttack is greatly dependent on the States for support. In fact without the enthusiasm and support of the Maharaja of Mayurbhanj, Orissa would probably never have had a University. The Maharaja is Pro-Chancellor of the University.

The High Schools in the Orissa States are affiliated to this University and are inspected for purposes of such affiliation by the Director of Public Instruction, Orissa. Altogether, without State support, the University would probably collapse—or be far worse than at present (if that is possible).

Some months ago Orissa proposed closer collaboration of middle school and primary education, but I suspect that was a move of their Director of Public Instruction who at present has a very small charge—and likes touring in the States.

A proposal that State School Masters should be allowed to join the Provincial Secondary School Teachers Association has not found favour with the Rulers, for obvious reasons.

Industries.—I discussed the Orissa Post-War Plan with Gokhale, Adviser to the Governor. He was most anxious to secure State collaboration but I had to tell him frankly that his plan sounded too fairy-tale like. One proposal they had was to rail all the coal of Talcher State to Cuttack where a thermal station could be set up which would—possibly—be able to supply some electric power to the States. I countered with the suggestion that Talcher should set up the thermal station at the pit heads and—supply some power to Orissa.

However Gokhale admitted that the plan as then conceived was rather optimistic but he said that they wanted something on paper to hand over to a 'Ministry'. He promised to keep me informed of any plan likely to interest the States. I expressed if their interests were adequately safeguarded. They are now getting out a new plan.

8. We have since discussed Road and Rail Motor Transport co-ordination but as you know the Central Assembly quashed all that. Similarly over road and rail development we have been collaborating.

9. In several other minor matters too we have kept in touch. In fact because of their peculiar dependence on the States co-ordination and discussion with Orissa has been much closer than with the other Provinces. When Lewis was Governor he was much more interested than other Governors. I shall get in touch with Trivedi on a suitable occasion.

10. I apologise for being so lengthy but if you are able to see Mahtab again you might like to know how States and Provincial affairs are already fairly "mixed up".

11. Now for Mahtab's move. It may only have been electioneering but he has been so venomous in his speeches that he has completely scared the Rulers and now it is going to be exceedingly difficult to persuade them that this new move is not merely the spider's invitation to walk into his parlour. Mahtab has further more been putting it about that the Cabinet Mission was greatly interested in his proposals for the absorption of the Orissa States and had invited him to see them again with a memorandum on the matter. I don't know what truth there is in his boasts but that is why I suggested in my demi-official letter No. 18T dated the 23rd April 1946 to Herbert that the Mission should give these Rulers an interview. If I may say so I think such an interview could only add to the very good impression the Mission has already made by its sympathetic hearing of all views.

12. Mahtab's suggestion of "joint machinery" with executive powers, in which States representatives would have to

sit under him would, I am sure, be quite unacceptable to the States. Joint consultation in common concerns would be the most they would agree to, and that only after Mahtab has allayed their fears. As I have indicated above such joint consultation has been going on in the past—but Mahtab's viciousness and blundering political moves have seriously upset the Rulers. The welfare of the inhabitants of these areas, to which you refer, will not be secured if Mahtab's personal political aggrandisement is to come first.

I should welcome a talk with Mr. Mahtab very much but I should like first to sound some of the Rulers.

13. A few of the Rulers recently met here in Calcutta to discuss Mahtab's attack and they agreed, so I understand, to explore the possibilities of forming a united front in some sort of confederation. Unfortunately I was away on a lengthy tour but to those whom I have since met and who asked advice, I recommended speed if they wished to proceed on such lines; and to ensure speed I suggested the formation of a small committee, preferably of Diwans, to get down to serious consultations with a good constitutional expert. I don't see how twenty or thirty Rulers can occupy the same *gaddi* at the same time but we can hardly discourage any move they wish to make. And after all, if they **could** only get a move on and set up something really stable the future Government of India may have so many critical problems to deal with in its own territories that it may not be so anxious to disturb **settled** conditions in the States and may be content to let the natural evolution of the Indian Constitution gradually absorb or integrate such units.

Incidentally would there be any constitutional impropriety in my dealing with Mahtab direct and not seeing the Governor first? Of course I should make no commitments with Mahtab but it might be as for me to contact the Governor first.

Yours sincerely
Sd./-Todd.

The Hon'ble Sir Conard Corfield, KCIE, CSI, MC,
Political Adviser to His Excellency
the Crow Representative.

CONFIDENTIAL

EASTERN STATES AGENCY.

D.O. No. C. 30-13/46-P.

Camp Shillong,
The 30th May, 1946,

My dear*.....

I understand that you have received a copy of Mr. Harekrishna Mahtab's circular letter of the 10th May 1946 to all Orissa States and to the Rulers of Mayurbhanj, Patna and Kalahandi.

2. Mr. Mahtab has explained his views to Sir Conrad Corfield and has again expressed his anxiety to meet the Rulers concerned for the purposes of a frank and friendly discussion to see to what extent the Orissa Province and the States could collaborate to the advantage of all concerned. He declares that he sees no reason why the Ruling Dynasties should be imperilled but feels that in the future set up in India neither Orissa nor the States could stand alone whereas by collaboration and mutual agreement they could form a very substantial body.

3. I can well appreciate the doubts and fears which may assail Rulers but it is suggested that a frank discussion can do no harm and might indeed lead to concrete results to the great benefit of Rulers and Ruled.

I suggest that a small committee of three or four Rulers should meet representatives of the Orissa Government for such a discussion and, if this meets with your approval, I should be very glad to arrange such a meeting at a convenient place and time.

If desired I am prepared to convene and even preside any way at the first meeting but I fully appreciate that the matter is entirely one for the decision of the Rulers,

4. I should be most grateful if you would kindly let me have your views as early as possible. The particular points for your comments are :

- I. Should such a meeting be arranged ?
- II. Who should be the State representative ?
- III. Should an agenda be drawn up for the first meeting or should this be left to be framed at a first exploratory discussion ? Have you any suggestions for such an agenda ?
- IV. Where should the meeting take place ? I suggest on the States' own ground, say Baripada.
- V. Time ? Perhaps early July would suit but the matter, in my opinion, is of some urgency for, I suggest, the sooner the States get down to considering their future relations with the New India the better. A well-thought out plan, conceived at an early date, bravely facing realities, is much more likely to succeed than a delayed and indecisive policy.

5. I appreciate, of course that Mayurbhanj/Patna / Kala-
handi is not in the present Orissa States but geographical,
ethnical and economic factors do place it in closer relations
with Orissa than any other Province and some amicable colla-
boration with Orissa may be the best insurance for the future.

With kindest regards,

Yours sincerely,
Sd./- H. J. Todd,

*To

All the Rulers of Orissa (except Ranpur) and the
Rulers of Mayurbhanj/Patna/Kalahandi.
Copy to the Political Agent, Orissa/Chhatisgarh States,

CONFIDENTIAL.

D. O. No. 28.

Seraikella
5th June, 1946.

My dear Mr. Todd ,

Will you kindly refer to your D. O. letter No. C. 30-13 / 46-P of the 30 May, 1946 ?

You have referred to Mr. Mahtab's discussion with Sir Conrad Corfield regarding his proposal for collaboration of the Orissa Province with the States. It has been unfortunate that Mr. Mahtab's Statement for amalgamation of the States with the Province and agitations started by the Orissa Congress leaders have created greatest misgivings in the minds of the Rulers. One could well understand the sympathy of the Congress people for agitation and secure civil liberties or responsible Government in the States, but their direct action in fomenting agitation and leading them as one recently held at Nayagarh for amalgamation of the States with the Province can only amount to a sort of non-violent invasion into the States and a declaration of hostility against the States which no Unit is permitted to do so against another. These actions are supported neither by the recommendations of the Cabinet Mission nor the declared policy of the Congress Command.

In this connection, I would consider the Rulers cannot compromise their position by agreeing to take part in a conference which is to discuss a proposal which would affect their integrity, sovereignty and the monarchical form of Government. I would refer the *sine-qua-nons* recommended by the Chamber of Princes in any kind of negotiations for co-operation, co-ordination or combination in this regard. The action of the Orissa Congress leaders unfortunately contradict their profession on the subject. In the circumstances, I very much apprehend that a Conference can hardly be useful before Mr. Mahtab accepts the

sine-qua-nons of any kind of negotiations with the States. I also apprehend that a failure of the Conference as now proposed may lead to serious consequences.

H. H. the Chancellor of Chamber of Princes has been negotiating with the Congress High Command regarding the position of the States in the future Constitution of India. I do not know how far it would be desirable to negotiate with the local leaders at this stage and how far it would have its reactions on His Highness the Chancellor's endeavour.

In any event, I should think that Mr. Mahtab's proposal for a Conference may be examined in the Conference of the Rulers which is being convened by you in the first week of July, when a decision may be taken after fully examining the pros and cons of the matter.

With kindest regards,

Yours sincerely,
Sd/ - A. P. Singh.

Hon'ble Mr. H. J. Todd,
The Hon'ble Resident for the Eastern States,
Camp Shillong.

SECRET

D.O. No. C. 30-13/46-P.

Hastings House, Alipore,
Calcutta.
The 30th July, 1946.

Small States—Future of.

My dear Herbert,

Please refer to my telegram No. 393 dated the 19th July, 1946 giving a summary of my discussions with the Eastern States Rulers here during the week 15th to 20th July.

2. I have received no reply to this telegram, but then no telegram or letters have come in from Delhi—or from elsewhere—for many days, due to the strikes.

3. In case you have received none of my communications I am sending herewith by the hand of Khan Sahib Z. H. Burney, who is moving to Delhi on transfer, a copy of the proceedings of the Rulers Conference. It is not a verbatim report—only a short summary.

4. I gave my views very candidly on the weakness of a Unit of the nature contemplated by them but this grouping idea seems to have found universal favour and encouragement amongst all the Rulers here and elsewhere so it was no use my condemning it utterly and uncompromisingly. The idea of such a Unit hoping to survive, if it burdened itself with a lot of petty little States exercising residuary powers, is just phantasy of course ; but the stark realities cannot be forced home locally until there is more contact with the other units of the Indian Union—when such units are themselves clearer in their own minds and ready to talk.

5. I made a plea to the Rulers and their Ministers in open Conference and to individual Rulers privately to consider seriously the possibility of aspiring to a greater role than that of “glorified chairmen of district boards”. I tried to focus their attention on the prospect of the really able amongst them and their relations becoming the political and administrative leaders of a large unit in Eastern India comprising the 40 States of Orissa and Chhatisgarh and the contiguous British districts.

6. In the petty, bankrupt and poorly administered Province of Orissa there are no politicians of great merit or talent. I should like to see the whole area formed into a new Province in which I am sure, a stabilising, moderate progressive political party formed from the best brains of the Ruling families, the best of the Orissa Zamindars and possibly of the right wing Congress would easily dominate the polls.

India needs a stable, moderate party and such a party would make a great appeal to the electorate. Relieved of the stigma of being Pro-British and creatures of the British, discarding paramountcy and the sealed border, I feel sure that the more able Rulers and their brothers would be able to play a really great part.

The alternative, for ninety-nine per cent of the Rulers any way, is to become insignificant pensioners.

7. In private conversation a Ruler here and there will agree with me that it may come to that—but not yet. There is a reluctance to abandon that ruling prerogative. Some even dream of 150 years ago; others do not even dream. The Maharaja of Mayurbhanj is near seeing it as the only logical outcome, if the new set-up in India is to be a success at all. But he is such a pessimist about the future that I cannot make out if he would really take part in assisting such a development or is only thinking of his own material security.

8. As regards meeting Mahtab I don't think I need add any more to my previous letters and this summary. The time is not yet, although I still think I may be able to arrange an "accidental" meeting of a few of the more serious Rulers.

Meanwhile, if I get no instructions otherwise, I shall go ahead with my programme to spend a day in Cuttack on my way to a tour in some of the States.

9. As regards Tripura I found that the Maharaja has few ideas except a preference to look to Assam rather than Bengal. At my suggestion he made indirect contact with the Congress Ministers in Shillong and his intermediary tells me that Bardoloi was very friendly—and inviting. The Congress in Assam would of course welcome accretions to their small province and Bardoloi said all they would expect would be a constitutional Ruler in Tripura, a comparable standard of administration and economic collaboration.

10. The Maharaja of Cooch Behar is awaiting advice from the Chamber but is thinking in terms of an understanding with Assam, with which Cooch Behar has long historical and cultural affinities.

Yours sincerely,
Sd./- H. J. Todd.
30-7-46.

P.S.

A telegram from Griffin has just arrived through the Army saying you and Corfield are away but the idea of my going to Delhi has been approved.

Sent through the hand
of Khan Saheb Z. H. Burney.
30-7-46.

The Hon'ble Mr. C. G. Herbert, CSI, CIE, ICS,
Political Adviser to His Excellency the
Crown Representative.

APPENDIX IV.

Camp Srinagar,
30th June, 46

Your Excellency,

I had the privilege of meeting Your Excellency and the Right Hon'ble the Secretary of State for India, on Monday the 27th of May, 1946. In response to Your Excellency's query as to what steps the States in our region were taking to prepare themselves for fitting in with the All-India Union, I had informed Your Excellency of the measures of co-operative grouping already adopted by the Orissa and Chhattisgarh States, and also of the proposed Confederation of the Eastern States which was under contemplation.

2. Your Excellency had been pleased to suggest that the natural affinities of the Orissa States should lead us to group with Orissa and also mentioned the anxiety of the Premier of Orissa for greater co-operation and co-ordination of planning between the States and the Province. I had informed Your Excellency that up till then, we had considered the formation of a bigger group of the Eastern States only, as in our opinion such a group would be financially and otherwise sound. I had also placed before Your Excellency some of the reasons for preferring to form our own group of the States, which were : (i) Similarity in size, resources, status, history, traditions and administrative systems of the States, with no danger of encouragement from or absorption or exploitation by any predominantly large unit in the group; (ii) compactness, geographical contiguity, sufficiently large area (60 square miles) and population (80 lacs people) and possession of adequate natural resources, forest, mineral and agricultural, to enable the group to be a sound and stable unit of the proposed All-India Union. I had also taken the liberty of placing before Your Excellency,

some of the dangers of grouping with Orissa, which were : (a) danger of a larger unit like Orissa, encroaching upon the rights of the smaller State units; (b) danger of political exploitation of the States' people by the more politically conscious people of Orissa Province; (c) danger of economic exploitation of the States by the Province and (d) the difficulties with regard to the Chhattisgarh States, some of which were partly Oriya speaking.

3. Your Excellency had suggested that we might have discussions with the Representatives of Orissa and consider grouping with the Province, if we could find adequate safeguards against the dangers by such discussion. I had, thereupon, informed Your Excellency that the Orissa Premier had approached the Rulers of the Orissa States on the subject and that we would be prepared to have discussions with the Orissa representatives, after a dispassionate consideration of the proposal amongst ourselves. The fact that no suggestion for similar grouping of States of any other region with a neighbouring Province, was made, led me to believe that Your Excellency's suggestion for grouping of the Orissa States with the Orissa Province was actuated purely by Your Excellency's anxiety to help the Province and the States for common development. I feel confident that there could not have been any idea in Your Excellency's mind to treat the Orissa States differently from States of other regions, in this matter.

4. Your Excellency is not unaware of the fact that for some years past the attitude of the Provincial Government of Orissa had not been friendly towards the Orissa States. The suggestion put forward by the Premier of Orissa for the amalgamation of the Orissa States with the Province and the distortion of history in the memorandum prepared by the Orissa Provincial Congress Committee, in support of the plea for amalgamation of the States, as also the Statements of Provincial leaders and the attitude of the local Provincial Press, had naturally caused suspicion and resentment in the minds of the Rulers. The letter of the Premier of Orissa to the Rulers of the Orissa States had, however by suggesting that co-operation of the

States was sought instead of amalgamation, made us inclined to agree to have further discussions with Provincial representatives. In the meantime, however, it is unfortunate that there has been no change in the attitude of either the Provincial leaders or the Press, towards the States, which we had expected, pending discussions for closer co-operation. On the contrary, the Premier of Orissa has been making statements in conferences and in the Press, which are inconsistent with what he had written to us. His telegram to Pandit Jawaharlal Nehru, President of the All-India States' Peoples' Conference, on the subject of amalgamation of Orissa States, his address to the Orissa States' Peoples' Conference at Cuttack, and his recent telegram to H.H. the Chancellor of the Chamber of Princes, repeating misstatements of facts and history and seeking to differentiate the Orissa States from others, make it clear that the Premier of Orissa is not seeking the co-operation of the States, but is still thinking of amalgamation.

5. The Orissa Premier has been trying to force the hands of the Rulers by attempting to create agitation in the States, through the Praja Mandals and States' Peoples' Conference, which is an unfriendly and unfair action on the part of a Premier of a neighbouring Province, towards the States. We cannot for a moment believe that it can ever be the intention of Your Excellency or of the Crown Department, to encourage Mr. Mahtab in his present attitude, or to make the position of the Orissa States difficult. The visit of Mr. Herbert and his discussion with the Governor and the Premier of Orissa, without our knowledge, has however, caused much misunderstanding and has come as a painful surprise to us and it seems also to have encouraged Mr. Mahtab. In the prevailing atmosphere, and the unfriendly and hostile attitude of the Orissa Province, it is doubtful if any useful purpose can be served by discussions between the Rulers and the Orissa Representatives. In the absence of any common meeting ground, the inconsistency of the Orissa Premier and radical difference of approach to the question, any meeting now is likely to create further misunde-

standings and greater embitterment of feelings. We confidently hope that the Rulers of the Orissa States will not be deprived of the sympathy and support of the Political Department at this stage and that they will be equally entitled to get the benefit of Your Excellency's assurance to H. H. the Chancellor of the Chamber of Princes, that nothing will be done to weaken or lessen the bargaining and negotiating power of the States.

6. The Rulers of the Eastern States are going to meet in Conference in the middle of July and I assure Your Excellency that we will take decisions with regard to the questions of internal reforms and formation of bigger group, in a realistic spirit, in accordance with the suggestions contained in the statements of the Cabinet Mission and Your Excellency. In the meantime, I make this personal appeal to Your Excellency, to see that the position of the Orissa States are not weakened in any manner and no commitments are made on behalf of the States nor any discussions held with Orissa representatives, by Officers of the Political Department without our knowledge and prior consultation.

7. In view of the importance of the matter to us, I am taking the liberty of sending copies of this letter to H. H. the Chancellor of the Chamber of Princes, my brother Rulers of the Eastern States, the Hon'ble the Resident for the Eastern States and to Your Excellency's Political Adviser and Political Secretary.

Trusting this will find Your Excellency in the enjoyment of excellent health.

Yours sincerely,
Sd./- R. N. Singh,
Maharaja of Patna.

To

His Excellency Field Marshal the Right
Hon'ble Viscount Wavell,
G.C.B., G.M.S.I., G.M.I.E., G.M.G., M.C.,
Viceroy and Governor-General of India,
Viceregal Lodge, Simla.

No. 174-77 T. D.

dated 2-7-46.

Copy to

Hon'ble the Resident for the Eastern States Agency for
favour of information with a request for sympathetic support.

Sd./- R. N. Singh,
Maharaja and Ruler,
Patna State.

APPENDIX V

Note presented to the Resident, Eastern States, (Col. Todd.)
on 30 - 7 - 1946, by the Ruler of Seraikella

Mr. Harekrishna Mahtab, the Premier of Orissa Province has submitted a memorandum to the Cabinet Mission claiming the absorption of Orissa States, 26 in number, into Orissa Province on alleged historical, geographical, cultural, legal and economic grounds.

Let us examine impartially the grounds of the claim one by one. Mr. Mahtab does not give us indication as to which period of History—Ancient, Mediaeval or Modern, he refers to. If we look into the ancient history of Orissa, we find in the Vedas and the Puranas the mention of Ordadesh or Utkal or Kalinga. There is no mention of any kind of Kalinga or Utkal in their literatures except the solitary instance in the Mahabharat of Srutayu Srutayudha who with his sons Bhanuman, Ketuman and Sukra fought against Bhima. It is also found in the Mahabharat that Arjuna married Chitrangada, a princess of Kalinga. On the other hand we find that King Birat who had his Capital in the present Mayurbhanj State ruled over a great part of Modern Orissa Province. It is clear from the Udayagiri inscription that Nandas of Magadha conquered and ruled over Orissa. When Asoka conquered Kalingadesha, modern Orissa was also conquered with it. So there is no doubt that Orissa was a part of Magadha Empire during the Nandas and Mayurjas and that it had no separate existence. After the Mayurjas there was the revival of Independence for a short time under Kharavela who belonged to the 'Chaitra' or 'Aira' dynasty which at first ruled in 'Dakshina Kosola,' and later on conquered present Orissa and made Tosali his Capital. After the downfall of the Chaitra dynasty, Kalinga was conquered by the Andhras from the South. The discovery of Kushan

coins in Ganjam district and Mayurbhanj State indicates that Kalinga or Orissa was a Tributary State under the Kushans. The Guptas ruled over Orissa. But it was a scion of the "Soma-bansi Guptas" of "Dakshina Kosola"—modern Bolangir, Sonapur, etc., who asserted the independence of Kalinga overthrowing the latter Guptas. Janmajeya, the founder of the illustrious Kesari dynasty of Kalinga was the 13th King of the 'Soma' dynasty of 'Dakshina Kosola'. He conquered Kalinga and ruled over it assuming the title of 'Kesari Trikalingadhipati Somakula Tilaka etc.' Thus Kings of South Kosola ruled over Orissa and transferred their capital to Chaudwar. Jajati, the King of Soma dynasty and 2nd King of Kesari dynasty of Orissa made Cuttack his capital.

Thus the ancient history of Orissa indicates that States in Northern and Western borders of present Orissa i.e., Porahat Seraikella, Kharsuan, Mayurbhanj, Patna, Sonapur, Sambalpur, etc., were never conquered by the Kings of Orissa. On the other hand, King Birat conquered and ruled over a part of Orissa and Kings of South Kosola (i.e. modern Bolangir, Sonapur, etc.) specially the Kings of 'Aira' and 'Soma' dynasties conquered and ruled over Orissa and asserted the independence of Kalinga.

The Keshari dynasty was succeeded by the Gango dynasty which came from the South and conquered Orissa and made Puri their headquarters. The last Gango King was overthrown by Kapilendra Deb, the founder of the Solar dynasty. During the reign of the Kings of the Solar dynasty, the Turko-Afghans from North and South attacked Orissa again and again and were able to annex a greater part of the Kingdom to their territories.

The Kings of the Voi dynasty were under the Moghuls who conquered Orissa under Akbar. Under the Moghuls the Rulers of Garjats were called 'Zamindars'. They used to pay revenue to the Naib Subadar of Orissa and ruled uninterrupted. On failure of payment of revenue or due to maladministration

of their Zamindaries, the Zamindars were used to be dethroned and a worthy descendent enthroned but on no account the Zamindaries were merged into the "Mogulbandi". The repeated attacks of the Marhattas forced Alivardi Khan to give over the whole of Orissa to the Bhonsle in 1751. Bhonsle made his capital at Cuttack. Sivavatta, the Marhatta Governor of Orissa under the Bhonsle treated the Garjats as separate from 'Mogulbandi', attacked them repeatedly and exacted *Chauth* from them but never interfered in their internal administration.

During the rule of East India Company, Clive managed to get the Dewani of Bengal, Bihar and Orissa from the titular Emperor Shah Alam. This was the position when in 1808 the British Government made treaties with the 18 Garjat Chiefs and gave counter engagements assuring them their full support. The very mention of the words 'Killa' and 'Your territory' in the Treaty and that of the word 'Magul-Bandi' distinctly proves the separate entity of the Garjats. These treaty engagements were bilateral and not an imposition or gift of the Sovereign, and legally unalterable by either party. The fixation of tribute in perpetuity in the treaty engagement, which has remained unaltered for more than one and a half century, shows the sanctity of the engagement and also that the British Government had no power or desire to exact revenue like the ordinary Zamindar. We also see in the engagements mention of contingent force to the Ruler, to regard one's enemy as that of the other's, which provision is only possible between a friend and a friend and not between a King and subject. Over and above these provisions, it is clear beyond doubt that these Rulers were bound by separate engagements or executive rules or diplomatic pressure to abstain from allowing the practice of *Sati* and mutilation, manufacture of salt, cultivation of ganja, imposition of transit duties and life and death sentences, which shows that these Rajas used to exercise these power and attributes of sovereignty.

These States were placed under the Commissioner of Orissa and the Collectors of Balasore, Puri and Cuttack were appointed Assistant Superintendents to hear some Criminal

and Civil appeals, not as Commissioner or Deputy Commissioners but in a different capacity. The opinion of the Crown lawyers to the effect that trial of persons of the States by these officers outside the territories of the State is illegal, also proves the Sovereignty of these States. Unfortunately these officers were always eager to transgress on the powers of the Rulers and were always ready to belittle their status, position and power by describing them as mere zamindars with peculiar powers of internal administration. They also succeeded in influencing the Local Government to enact some laws such as Garjat Succession Act which was repealed after the disastrous result experienced in meeting the rebellion of Keonjhar which was brought about by the decree granted to the illegitimate son of the Raja of Keonjhar by the High Court. This fact demonstrated that the High Court had no power to enforce its decree in the State of Keonjhar but it is the Executive Government which had to pay a heavy price for the act of the High Court. This incident made the Local Government a little bit cautious, which debarred them from attempting to make any further legislation for all these States. In their subsequent executive Act, they were careful to declare a neutral zone for themselves. This fact and also the fact that Ganja was being supplied to these States free of duty proves that the Local Government at last realised their position to some extent and admitted the separate entity of these States.

The Imperial Government as will be seen from the various correspondences, were always against the attempt of the Local Government and its Officers to bring these States to the level of ordinary Zamindars. The half-hearted consent given to the local officers to enforce the Garjat Rules of 1862, not as an enactment enforceable legally but by diplomatic means shows the mind of the Imperial Government. Another proof of the sincerity of the Supreme Government is evident by the issue of the adoption Sanad of 1862 to Rulers of States and not Estates and the decision in the new repealed Nazarana Rules to exempt Nazarana by these Rulers as those of Treaty

States. The Calcutta High Court not only in one but in three cases decided in the Full Bench sitting that these States were not British territories. These decisions have been accepted by the Secretary of State for India without any challenge. In spite of these decisions and the decisions of the Imperial Government, the attempt now made by Mr. Mahtab seems to be absurd and preposterous. No one can show that these Rulers were paying revenue to the Raja of Puri or any Orissa Government. As a matter of fact Orissa had no independent status. It was an appendage to the Bengal Government till 1912 and that of the Bihar Government till 1936. So it is ridiculous that one whose existence was not recognised as a separate unit until 1936 should claim absorption of States whose entity had been recognised centuries ago. On the face of these historical facts, it is absurd to think that these States were Zamindaris. We know that the word "Zamindary" has been used loosely in certain cases by the local officers but the word "Zamindar" has also been used in the cases of Benaras, Jodhpur, and many other powerful Princes of States as at that time the words "State" and "Estate" were not known in India and official correspondences were generally conducted in Persian language.

The ancestors of the present Rulers of almost all the States founded their kingdoms after defeating the aboriginal Chieftains who used to rule over these areas like independent chiefs outside the sovereignty of Orissa King some 5 centuries ago when Orissa was either under the Mogals or Turko-Afgans. The States of Patna, Kalahandi, Sonapur, Sambalpur, Rairakhol, Bamra, Bonai, Gangpur, Baudh, Athmallik and Daspalla were never under the Raja of Orissa or Puri. They belonged to Koshola Kingdom and were under the Confederacy called Patna Garjats. That Patna was an independent and powerful State cannot be challenged. History and archaeological finds definitely prove the fact. These States were not ceded to the British in 1803 along with the 18 Garjat States of Orissa by the Bhonslas but were separately treated, and many of them were at first under the Agent to the Governor General, North Eastern Fron-

tier Provinces, stationed at Ramgarh. Except Baudh and Daspalla who have got treaties similar to those of 18 Garjats, others have different engagements of bilateral nature. Patna, Kala-handi, Sonapur, Bamra were, until 1903 under the Chief Commissioner of Central Provinces and their feudatory nature was accepted by the British Government after a thorough official enquiry and their power on life and death were recognised since the very beginning of the British connection. To say them Zamindars is absurd and ridiculous.

Similarly Singbhum with its Rulers of Porahat and Seraikella was never within Orissa but was a part of Bihar. It was never conquered by the Mogals and the Pathans or the Marhattas nor was it ever under any King of Orissa. Their connection begins with the British direct and not through any intermediary and they used to exercise sovereign powers pertaining to an Independent Ruler and the British have by their engagement with Porahat in 1918 recognised it as Feudatory. As regards Seraikella it received the assurance from the Supreme head of the Government, Lord Wellesley, Lord Minto and others that its Ruler would be maintained in his possession and power and would enjoy exemption from paying any Peshkash. Kharasuan though under Seraikella was recognised separately in 1825. Their political connection with the British began through Midnapur, then placed under the Agent, North Eastern Provinces up to 1834, when the post of the A. G. G. was abolished and converted to the Commissionership of Chhotanagpur. Thus the State of Seraikella along with those of Bamra, Gangpur and others, viz. Surguja, Korea, Jashpur, Udaipur, etc. remained in political relation with the Government of Bengal up to the creation of the Bihar Province in 1922. How Mr. Mahtab claims these States as belonging to Orissa, historically or geographically, one cannot comprehend at all.

Legally the States of Orissa Garjats, the Chattisgarh States and the Chhotanagpur States were not mere Zamindars but with real Sovereign Powers. This fact has been recognised by the decision of the High Court and accepted by the Highest

Authority, the Secretary of State for India, as has been dealt with above. The Local Government and Local Officers had tried to confuse their position and curtail their powers and had succeeded to some extent. The imposition of Sanads with restriction of powers for the benefit of the British Companies to facilitate their taking mining concessions, inspite of an I.C.S. Judge of High Court's opinion that legally the Government has no power to restrict and curtail their power, is most illegal.

Sir Leslie Scott, K. C., once the Advocate General of England, in his opinion about the Feudatory States Manual, has vehemently criticised the action of the Government in imposing these unilateral Sanads and various other rules, mentioned in the Feudatory States Manual, as most illegal. The States are always prepared to face an enquiry by an impartial authority about their legal and constitutional position.

A number of states such as Sambalpur, Porahat, Angul, Banki have been merged in British India on flimsy grounds. Khariar, Phuljhar, Bindra, Naugarh, Budhasamber from Patna, Khandmahal from Baudh, Kholan from Mayurbhanj, Seraikella and Kharsuan have been taken away from the States without justification and against the very assurance and the principle of Paramountcy. These States have still legal claim over these tracts of their own which were their lawful territories. A number of States such as Baudh, Keonjhar, Surguja, Korea, Serai-kella have been dismembered and rendered weak. These States would have been stronger today in resources to render better service to their people. These illegal encroachments have broken their homogeneity and by these accretions from other's property the Orissa Province cannot and should not claim legally and morally to have acquired a right to demand the rest for their benefit. Rather the Orissa Government should restore these tracts to their original owners and confine themselves to their old tract i.e., the sea-coast districts of Balasore, Cuttack, Puri and Ganjam. As regards the cultural homogeneity of British Orissa and States, the claim of Orissa is also not based on true and sound principle. The tract of Sambalpur and

States bordering it and Singhbhum though speak Oriya language, differ to a great degree from the language used in and around Cuttack. Habit and custom of the people inhabiting these tracts also differ fundamentally from the coastal districts of Orissa. Therefore it cannot be said that Sambalpur and Singhbhum tracts are of the same culture though there is an affinity in them. Moreover the Rulers of the Orissa States have tried to preserve the culture, arts and crafts and every thing that was best in Orissa in respect of which Orissa had a glorious past. But the British Orissa has neglected them to the verge of extinction. Therefore the claim of Orissa to absorb those by whose efforts the past glory of Orissa has been preserved from extinction is very unjustified. On the other hand the Rulers of Orissa States can legitimately claim that the whole of Orissa should be rescued from the hands of those who have spoiled the glory of Orissa and be handed over to them who have preserved it. The same arguments are applicable in the case of Orissa's claim based on economic grounds. As the memorandum shows the Orissa Province comprises an area of 34,000 sq. miles, 80 lacs of population and an income of Rs. 2 crores. If this is compared with the State of Mysore it is bigger in area by 5 thousand square miles 20 lacs in population but has only about 1/5th of the income of Mysore. The Orissa Province has big rivers, waterfalls, lakes and other natural resources and a great extent of sea-coast. In spite of these, Orissa Province is poor for the fact that Orissa has neglected to utilise and improve its resources. Orissa has not produced a man of vision and capacity who can tackle these problems and has not produced a leader of All-India reputation. The petty party jealousy and narrow views of Orissa leaders have marred their progress and added to the misery of the Orissa People. Hunger, pestilence, disease have been constant companion of the British Orissa. The past experience of the States who were under local Government shows that the Province have always exploited these States for their own benefit. The case of appropriating illegally the duty on Opium, Ganja and Bhang by which the Provinces have usurped crores of rupees which legitimately

belonged to the States and would have benefited the people, are glaring instances of such exploitation. There are instances of many acts by the Local Government of such illegal exploitation and suppression of the legal rights of the States for the Province's selfish benefit.

The separation of the States from the clutches of Provincial control by the creation of a Political Agent in 1905 and then by the creation of an A.G.G. under the direct control of the Crown Representative has been a God-sent boon to the Eastern States. It will be seen that progress in these States in matters of income, communications, medical relief, education, etc. began since the creation of the post of the Political Agent and has rapidly advanced after the complete separation from the Provincial control. The progress has been so phenomenal that the Eastern States are considered among the best governed States in India by many Political Officers. These States are far in advance of the British Orissa in matter of Medical Relief, Primary Education, Communication and in many other spheres on the basis of area and population.

The Eastern States now comprise an area of 7,50,000 square miles with a population of 80 lacs and an income of about Rupees 4 crores i.e., double that of the Orissa Province, which alone can show that while Orissa can spend only Rs. $2\frac{1}{2}$ on a per capita basis, the States can spend Rs. 5 per capita for the benefit of the people. Moreover these States possess vast resources in minerals, forests, rivers and other kinds of water sources and are progressing rapidly so much so that they have surpassed not only the Orissa Provinces but will surpass many Provinces and States in India and will be a great strength in the future India.

The Eastern States have progressed in the matter of grouping for the purpose of bettering the administrative standard and have set up a common High Court, Forest, Agriculture etc. and are progressing rapidly in this connection. The Congress in Orissa has been jealous of this progress and in casting a

covetouscy on the resources of these States in order to enrich the Province quickly. With this selfish motive they created agitation in these States in 1938 and 1942 when the Rulers of the States were compelled to arrest the Congress leaders at the bidding of the Government. Sir John Hubback and the Orissa Press have publicly admitted the Congress part in these agitations. They are again trying to revive their old tactics in a more vigorous way.

To hand over the States to such unscrupulous people of narrow minded vision and low capacity will be a most treacherous and unjustified act and a gross exploitation of the true interest of the States—the Rulers and the people of the States. Such an attempt should be resisted by all means and power and at any cost.

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APPENDIX VI

Letter dated the 26th April 1946 from Hon. Sri H. Mahtab, Premier, Orissa, Cuttack, to Sir Stafford Cripps, Member, Cabinet Mission, New Delhi.

I am very sorry I cannot go to Delhi just now and join the most interesting discussions there. I believe by the time the letter reaches you, you must have come to definite conclusions. I have no doubt you must have found out a reasonable way to implement the promise of independence of India.

You know I am very much interested in the amalgamation of 26 Orissa States with the Province of Orissa. I hope you will continue to exercise your influence with the authorities concerned to bring this about as immediately as possible. It seems to me none is willing to get out of the rut he has put himself in, I think, voluntarily or under pressure of circumstances. I think a vigorous push is necessary to get the entire thing out of rut. When we say independence we mean this kind of vigorous push. I hope you will be able to supply this to India this time.

I assumed office on the 23rd last and I find everything so topsyturvy that it is impossible for me to go out without putting the whole thing tolerably straight, but I have got myself ready to start for Delhi whenever I am required there.

Mr. Patnaik, my Secretary, will tell you everything about the position here. Please convey my regards to Lord Pethick Lawrence and Mr. Alexander. Hope you are doing well.

Letter dated the 26th April 1946 from the Hon. Sri H. Mahtab, Premier, Orissa, Cuttack, to Mr. Lumby, Political Secretary, Cabinet Delegation, New Delhi.

I am sorry I could not go to Delhi as I hoped to. Since I assumed office on the 23rd last it is well nigh impossible to go out of the province at this preliminary stage. I hope you have not forgotten what I told you about our States. I understand some of our States particularly Mayurbhanj and Patna are going to make a farce about their so-called rights and privileges. These States though originally were in Orissa are now placed under other Agencies and therefore they pretend not to be included in the category of Orissa States. It seems to me the problem of States does not appear to the Cabinet Mission so serious as that of Communal Agreement ; but to me the problem of States specially of small States is so simple that it can be solved in a minute, if only you people decide to do it. I hope this time you will come to some definite decision.

How did you enjoy your Srinagar visit ? Could you collect your mind to come to some definite conclusion ?

Letter dated 30th April 1946 from Sir Stafford Cripps, New Delhi, to Hon'ble Sri H. Mahtab, Cuttack.

Thank you for your letter of the 26th. First let me congratulate you upon your assumption of office and wish you the best of time so long as you occupy so distinguished a post. I know (from experience) what a lot of hard work goes with responsibility but I know too how much you will welcome your opportunities to work effectively for your people.

I will bear in mind all you say about the Orissa States. At the moment as you know we are off to Simla and there will be no opportunities there for me to go into the matter as we shall be heavily engaged upon other matters.

All my very best wishes and I hope we may meet when I come back from Simla.

Letter dated 3rd May 1946 from Mr. E. W. R. Lumby, New Delhi, to the Hon'ble Sri H. Mahtab, Premier, Orissa, Cuttack.

Thank you for your letter of April 26th. I was very pleased to hear from you. I much enjoyed my holiday in Kashmir and wish it could have lasted longer.

As you say, the Delegation are at present concentrating on the problem of securing communal agreement, and that is of course the main object of the present discussions at Simla. I myself am not going up there, but have to remain behind to look after the office.

My own personal view is that any conclusions which the Delegation may reach in regard to the States will relate to the stage after India becomes independent. The Delegation will probably assume that, during the interim period, the position will remain as it is at present. I do not think that they will have time to pass from the general to the particular, or to deal with the Orissa States, except in the context of the States as a whole. After all, the purpose of their mission to India was to help in laying down the broad lines of a settlement which would permit of the peaceful transfer of power, and not to resolve secondary problems relating to particular areas and authorities.

For the same reasons, no consideration is being given by the Delegation to representations and protests from the Orissa States Rulers.

It seems to me that the question whether there will in fact be any changes in the position of the Orissa States during the interim period will depend, not on any decision which the Delegation may take, but on the march of events which it is not easy to foresee at present.

APPENDIX VII

Letter No. D. O. 49 (19) dated 9/10th May 1946 from the Hon'ble Sri H. Mahtab, Premier, Orissa, Cuttack, to all Rulers of the Orissa States.

I am told that considerable misunderstanding has arisen out of a Press report which appeared some time back in several newspapers about my efforts for the 'amalgamation' of Orissa States with the Province. I have also come across some speeches delivered by some Rulers on that point. I think, if I make my position clear, there will be no reasonable basis for any misunderstanding. I would further go and say that all reasonable Rulers will agree to my proposal if I place my view point before them in this letter.

2. When I say that the Orissa States should be amalgamated with the province of Orissa, I do not mean that the dynasties of Rulers or their titles to the privy purse should be abolished and Rulers should be treated as so many laymen of the future province. What I mean is this, that for the interest of both the states and the province, there should be some sort of co-ordination without which it is clear to me neither the States nor the Province can prosper in the present circumstances.

3. The province of Orissa is a very small one and it lives upon subvention from the Government of India. Its income is about 2 crores of rupees. The Orissa States are smaller still and their resources will never enable them to do anything for their own development in the modern sense of the term. But if the resources of the States and the Province can be pooled together in any reasonable way, I have no doubt in my mind that Orissa will be one of the richest Provinces in India.

4. With regard to administration, if the Heads of Departments are common to both, there will be enough saving in the overhead charges of the administration both for the States and

for the Province. The appointment of the Heads of Departments in that event must necessarily be made by the States and the Province together.

5. With regard to planning, the States and the Province must combine together, otherwise one who runs will see that there can be no planning really worth the name. Industrious development, roads, electric power development, mining development, irrigation and waterways, agriculture and public health, all these can be successfully planned if the States are combined with the Province.

6. The combination of the States with the Province will mean for the States giving away some of their sovereign rights for the common cause. Also for the Province it means that its Government will give away some of its rights for the common cause. It is by no means a one-sided bargain.

7. With regard to administration and planning, if both parts of Orissa will combine, each one of them must give something to the other for the common good. It must be made clear that abolition of dynasties or of the privy purse is not contemplated by anyone and all constitutional and legal steps may be taken to safeguard them.

8. I think, I have given my own opinion frankly to you. I shall be very much obliged if you will kindly let me know in what circumstances the States of Orissa and the Province of Orissa can combine together, for the purpose of planning without which no nation can prosper in the recent circumstances. I would make the following suggestion for your consideration. There should be a Planning Board consisting of representatives in equal numbers from the States and from the Province. This Planning Board will lay down the schemes and fix up targets and available resources of the States and the Province should be pooled together by this Planning Board for the development of all parts of Orissa. If this is agreed upon, we may approach the Government of India and the Crown Representative to give

legal sanction to this Planning Board. This is a very rough suggestion. If you think it is worth consideration, we may discuss the details later on.

9. It has been suggested to me that I should meet the Rulers or their representatives in some conference and exchange views with them. I would sincerely welcome an opportunity to meet the Rulers or their representatives and discuss the matter with them. I would leave the time and place of the conference to the convenience of the Rulers. I shall be obliged if you will kindly let me know your views on the subject.

Letter No. D.O. 610(19)/HPM dated the 29th June 1946 from the Hon'ble Sri Harekrishna Mahtab, Premier Orissa, Cuttack, to all Rulers of the Orissa States.

In reply to my letter No. 49(19)/HPM dated the 10th May 1946 in which I made a few suggestions on the basis of which a discussion was invited in order to bring the States and the Province under one common administration, I have received replies almost on the same lines from each one of the addresses. I am glad all the Rulers have been kind enough to agree that there should be mutual discussion on the point raised by me. In this letter I make bold to make clear certain apprehensions which still persist in the mind of some of the Rulers in spite of my last letter referred to above.

2. Some of the Rulers seem to have taken particular exception to what they call my statements in the Press. It is alleged that I issued certain statements which were of a rather offensive character. But no one has yet been able to point out to me the statement or statements of mine he takes objection to. As a matter of fact, I have issued no statement to the Press with regard to my proposal for a common administration of the States and the Province. The fact is this that I placed this proposal before the Cabinet Mission and the discussions of the Cabinet Mission with me are strictly confidential. But some Press people

somehow or other got scent of this and published some news about this discussion. These reports have been wrongly described as my statements. Along with my discussion with the Cabinet Mission the Provincial Congress Committee of Cuttack issued a pamphlet on the issue of amalgamation of Orissa States with the Province.

3. There is no doubt about the fact that there is a considerable volume of public opinion not only in Orissa but also outside that small States should be amalgamated with neighbouring Province. The All India States Peoples' Conference passed a resolution to this effect in 1939 in their open session in Ludhiana. Although the demand on behalf of the people of the States and also of others is there for the amalgamation of small States with the neighbouring Province, none except perhaps myself have come forward with the concrete proposals as to how the States can be amalgamated with the Province. The word 'amalgamation' or 'one common administration' all these expressions bear the same meaning and implication. It does not mean subordination of one to the other. It does not imply any definite term on which both will mix together. Whenever any of these expressions is used the implication always is that the terms are to be settled mutually. Here in the present case I offered some terms to the Rulers for their consideration. Similarly in a recent meeting of the representatives of the people also I asked them to formulate terms under which they would like common administration from their point of view. In that speech I made it clear that officially people of the States have no *locus standi* and any negotiation that might be carried on must be done with the Rulers who are the Governments of the States. If you have per chance read the report of the speech in the newspapers, you might have noticed that I made it clear there in the meeting that the Rulers will have a voice in the administration. I think, this explanation will be sufficient to remove any misunderstanding that might have been caused by wrongly remembering some newspaper reports as my statements.

4. Then again, some of the Rulers have kindly drawn my attention to the effect that I would rather concentrate more on amalgamation of the outlying Oriya speaking tracts in Singhbhum, Midnapur, etc. than on that of the States. The implication of this suggestion is that I am anxious to make the province a bigger one as if the province as such has got some special interest in it. I admit the interest of the province will be better served if both the States and the outlying tracts are amalgamated. But I must say that the amalgamation of States with the Province on terms agreed upon by the parties concerned will best serve the interests of both the Province and the States and is more urgent. The difficulties that are experienced in the administration of the Province on account of a different administration in the States are so enormous that unless some remedy is found out there is no chance of any efficient administration in the Province. Similarly also in the interests of the States including the Rulers thereof it will be the best thing to join with the Province and bring about a common administration.

5. If I am ever given an opportunity to meet all the Rulers together to explain my point of view I am almost sure that I will carry conviction to each one of them and I think I can stand any amount of cross examination on the issue that I have raised. I shall be very much obliged if you kindly point out to me any legitimate apprehension in combining with the province in a common administration so that I may try my level best to remove it. Whatever be the terms of amalgamation, let us first of all decide upon the principle. Once it is settled, I think, it will be easy to agree upon terms at the end. My humble request is that without hearing me personally no opinion may be formed about my proposal or no suspicion be entertained about my conduct. I am anxiously awaiting your further reply which you have so kindly promised to send after mutual consultation amongst yourselves.

APPENDIX VIII.

Letter dated 20th May 1946 from H. H. the Maharaja of Patna, Bolangir-Patna, to the Hon'ble, Sri H. Mahtab, Premier, Orissa, Cuttack.

Many thanks for your D. O. letter No. 49 (19) HPM dated the 9th/10th May 1946.

2. I confess that Press reports about your efforts for the 'amalgamation' of Orissa States, has given rise to a lot of bitterness and suspicion in the minds of the Orissa States regarding the intentions of the neighbouring Province towards the States. The use of the word 'amalgamation', the manner of the presentation of the demand, the history of the previous attitude of some Oriya politicians towards the States, and the accompanying Press campaign against the States, had naturally given rise to impressions which you referred to in para 1 of your letter under reply. The attitude of a section of the local Press and statements of some Oriya leaders, had served only to confirm those impressions instead of allaying the suspicions.

3. I however, welcome your letter as it is likely to go a long way in removing a good deal of bitterness between neighbours. You would no doubt agree with me that much of the existing suspicions could have been avoided if a proper friendly approach had been made to the Rulers of the Orissa States in the first instance. I am glad to notice from your letter that the use of the word 'amalgamation' was a loose use of terminology and that all that was intended was to secure the co-operation of the States for the co-ordination in planning and administration for the mutual benefit of the States and the Province.

4. You will not naturally expect me to give any authoritative opinion on the proposals contained in your letter, as the

Rulers' Council or its duly accredited representatives alone, can be in a position to do so. I am referring the matter to the President of our Rulers' Council and requesting him to arrange for a discussion of your proposals at the next meeting of the Council.

5. It is well known that the Orissa States have always supported and preserved the culture of Orissa and have been co-operating with the Province in administration and economic and cultural matters. All proposals for co-operation and co-ordination of planning and administration are likely to be welcomed by the States, provided such co-operation is sought on a basis of equality and there is no suggestion for subordination of States' interests in any manner to those of the Province and there is no danger of exploitation. Your proposals will also have to be considered by the Rulers' Council, in the light of the probable future constitutional set up in India, and the impending constitutional changes in the States.

6. There is nothing like personal contact and discussions for removal of misunderstandings and a better appreciation of each other's point of view, and as such, I welcome your suggestion for a meeting with the representatives of the States for personally discussing the proposals. The date and place of such a meeting can be settled after the Rulers' Council has discussed your proposals and selected representatives to meet the Orissa representatives. In the meantime, it will be, no doubt your wish, as it is mine, to see that nothing is done to create further bitterness or suspicion regarding the attitude of the Province towards the States, in the minds of the Rulers, by the attitude of the Press and politicians of the Province.

7. Hoping this will find you in the enjoyment of excellent health.

Letter D. O. No. C. P. 10-S.P./46-115 dated the 20th May 1946 from the Raja Saheb of Seraikella to the Hon'ble Mr. H. Mahatab, Chief Minister, Orissa, Cuttack.

Many thanks for your D. O. letter No. 49 (19) HPM of the 9th May 1946.

Certain Press reports about your efforts for amalgamation of Orissa States with the Province and certain news comments particularly one which appeared in New Orissa in April, 1946 coupled with an effort to foment agitations the States had created the gravest misgiving in the minds of the Rulers of Orissa States and elsewhere.

The past history of the States and the Province will vouchsafe a cordial relationship in many efforts which went to contribute to the well-being of the Orissan people. The contribution of the Rulers to the establishment of many administrative institutions and their co-operation in the sphere of culture are too numerous to be mentioned. The States also take pride in the fact that when the very culture of Orissa and its script was at the brink of subterfuge on account of aggressive provincialism the contribution of the Rulers of the time was able to prevent the catastrophe. Their co-operation in the establishment of the Utkal University and the Mahanadi Scheme etc, is of most recent origin and must be fresh in our minds.

The States therefore, hardly expected expression of a hostile attitude in any kind from any quarters particularly from the Provincial Congress Organisation in Orissa contrary to the good neighbourly policy followed in other parts of India.

I hope your attention has been drawn to the news that His Highness the Chancellor of the Chamber of Princes has been negotiating with the Congress High Command with regard to the position of the States including those in the Eastern India, in the future constitution of India and that the outcome of which so far has been very cordial and encouraging.

It has been very unfortunate that when matters of such paramount importance were being discussed between the States and the Congress, and specially when the contribution of the Princes has gone to a great extent in the establishment of an independent India, there would have appeared in papers certain unhappy statements which instead of contributing towards the success of the negotiations, mostly created misgivings in the minds of the Rulers. I therefore, very much appreciate your letter which purports to elucidate your viewpoints and that you do not desire amalgamation or absorption of the States in the Province.

However, for the successful prosecution of the negotiation between the State Authorities and the Congress it would be most desirable for parties concerned to create a favourable atmosphere of good-will and cordiality and re-establish it where it has been marred. I, therefore, feel that it would greatly help the success of the negotiation if the unhappy statements finding place in papers are contradicted publicly and officially and that the agitations if any started in the States need be withdrawn in our mutual interests.

Letter D. O. No. 33 dated the 8th June 1946 from the Maharaja and Ruler of Kalahandi to Mr. H. K. Mahtab, Chief Minister, Orissa, Cuttack.

Many thanks for your D. O. No. 49 (19) HPM dated the 9th/10th May 1946. The Press publication about your demand for the amalgamation of Orissa States has created a good deal of misunderstanding in the mind of most of the Rulers. Anyway your D.O. circular letter has been able to make it clear that you want the co-ordination of the Orissa States and Orissa Province for the purpose of common planning and administration. It would have been more friendly if you would have approached the Rulers of Orissa States in this respect at the beginning before going to the Press. So at this moment the question of amalgamation does not arise in the strictest sense of the term.

The States have all along co-operated with the Province of Orissa in the past for their common development as for example—in the case of Utkal University, Mahanadi Valley multi-purpose scheme and Duduma Hydro-Electric Project. So I do not find any reason why the States will not co-operate with the Province in such schemes where both parties are benefited, provided that (i) the co-operation and sacrifice are sought on a basis of equality, (ii) there is no suggestion for subordination of the State interests, and (iii) there is no danger of exploitation of State's resources.

But regarding the co-ordination of the States in the Province of Orissa in matters of administration personally I do not appreciate the suggestion as the traditions of these different tracts have been built on different historical back-grounds. You must be knowing that the Eastern States have pooled their resources for co-operative Grouping in many spheres of administration, as for example—the Joint High Court, Joint Police Force, Eastern States Agency Forest and Agricultural School etc. and there has been tendency to enlarge these co-operative grouping activities in other branches of administration also.

I quite appreciate from your letter how difficult it is for the small Province of Orissa with an annual revenue of 2 crores of rupees to do any development in the modern sense of the term. Would it not be better if you will take up the amalgamation of the detached Oriya tracts as for example—Midnapore District, Singhbhum District, parts of Vizag, Raipur and Bilaspore District and carve out a self-sufficient economic unit ?

I will very much like to meet you along with the other Ruler-representatives of the Eastern States and have a frank discussion with you. To ensure our good neighbourly feelings it will be much appreciated if you will make an official statement of your intention in the Press in contradiction to the Press report that you are for amalgamation of Orissa States in the Orissa Province. That will help a good deal the recent discussions that are taking place between His Highness the Chancellor, Chamber of Princes and the Congress High Command.

I hope it will meet you in the enjoyment of excellent health.

Baramba Palace

D.O. No. A-2/C

Dated the 2nd July, 1946

Dear Mr. Mahtab,

I acknowledge with thanks the receipt of your D.O. letter No. 49 (19) H.P.M. dated the 9th/10th May 1946 and write to inform you that as far as the statistics go, I think the States have far more resources and even at this stage, an income of round about two crores of rupees which is much more than the income of the Province of Orissa minus the subvention from the Government of India. In the near future, I presume the States can easily raise enough funds to successfully make their hidden treasures pay enormous dividends, whereby planning for the welfare of the people and effectively putting the schemes into practice in a short time will be done. From the experiences of treatment the Rulers and the people of the States have and are receiving from the various leaders and party controlled presses of Orissa, I view the question of amalgamation of the States with the Province of Orissa, suspiciously. Co-operation and good feeling can only exist when a neighbour ceases to calumniate the person at his next door and extend a friendly hand to him. This does not mean that I object to a fair criticism. As a matter of fact we can only learn and correct the mistakes when pointed out but one rarely comes across truthful criticism and fair dealings in this part of the world.

The present day British districts which form the Province of Orissa were at one time States under Rulers. I wonder if it will not be a good idea to give back these areas to the descendants of the late Rajas and then form a confederation of the States. These are just points which occurred to me at the moment, but I am afraid I really can not give any definite reply to your kind letter until the matter is discussed by the Council of Rulers.

With kind regards,

Yours sincerely,
Sd./- N.C.B.M. Mahapatra

H. Mahtab, Esquire,
Chief Minister, Orissa,
Cuttack.

Bhawani Patna.

D. O. No. 51

Date : 18th August, 1946

My dear Mr. Mahtab,

Many thanks for your D. O. No. 610 (19) H.P.M. of the 29th June 1946.

You must have heard that we have decided to form a Unit of the neighbouring States. The Chhattisgarh States also, in most of which there is appreciable Oriya population have decided to join this unit. This proposed Federal Union with its revenue, population, area, natural resources and particularly its vast possibilities for its future development can stand any acid test of self sufficiency. We all hope that it will be a strong unit in the proposed Federation of India and will play its fitting part in the future constitutional development of the mother country.

It may be mentioned here that our intention is never to torpedo any scheme for the cultural and economic development of Orissa. We shall always stand for and play a great part in the future cultural and economic progress of Orissa as we have been doing in the past. It will be one of our pious duties to see that our Oriya brothers prosper in the Province of Orissa.

I personally feel that there is absolutely no reason why British Orissa Province with her vast natural resources as for example—plenty of fertile land, water, forest, man and electric power and vast sea coast will not be able to stand on her own legs as a self-sufficient unit if planning is properly done. By planning I mean the NATIONALISATION of industry instead of her natural resources being exploited by outside capitalists and her people remaining as coolies eternally ; if Orissa develops her own industry she is sure to be one of the premier Provinces in the future economic map of India.

To be very frank, the recent utterances of the Press of Orissa and your not making a public declaration that you do not advocate the merger or amalgamation of Orissa States in the Province of Orissa, have created a good deal of reasonable

apprehension in the mind of most of us that you indirectly support the Press without considering for a moment the past history and tradition of these States and the leading part played by their Princes to preserve the culture of our mother-land what it is today.

So unless and until you deny the Press report and give up your PARSURAM-like attitude no fruitful decision can be arrived at by our meetings at this stage.

I love to meet you some time and have a frank discussion with you regarding the possibilities of our co-operation, when the atmosphere is clear and the misunderstanding is removed by your declaration in the Press.

Yours sincerely
Sd./- P. K. Deo,
Maharaja & Ruler,
Kalahandi.

To

Sri Harekrishna Mahtab,
Chief Minister, Orissa,
Cuttack.

OFFICE OF THE COUNCIL OF RULERS,
EASTERN STATES

D. O. No. 180-P.C.R/46.

Baudhgarh,
24th August, 1946.

Dear Mr. Mahtab,

In continuation of my letter No.120-C.R.P. / 46 dated the 18th May 1946, I placed your demi-official letters Nos. 49 (19) HPM and 610 (19) HPM dated 10-5-46 and 29-6-46 respectively before a meeting of the Council of Rulers of the Eastern States held recently at Calcutta and as desired by my brother Rulers I am sending you a copy of the Resolution passed by the Council for your information.

You will observe that the Rulers of the Eastern States have decided to form a Federal Union of the Chhatisgarh and Orissa States and have set up a Special Committee of Rulers to take necessary steps for its formation. I draw your attention to para 2 (c) from which you will see that the Special Committee has been entrusted with the function of the Regional Negotiating Committee and I have no doubt that the said Committee will discuss matters of common concern with other units at the appropriate time.

Yours sincerely,
Sd./- N. P. Dev.
Ruler, Baudh State,
President,
Council of Rulers, Eastern States

To

Hon'ble Mr. H. K. Mahtab,
Chief Minister Orissa,
Cuttack.

RESOLUTION

1. The Rulers of Changbhakar, Chhuikhadan, Kalahandi, Kanker, Kawardha, Khairagarh, Korea, Patna, Sakti, Saranagarh, Udaipur, Athmallik, Bamra, Baramba, Baudh, Daspalla, Dhenkanal, Gangpur, Hindol, Keonjhar, Khandpara, Nayagarh Nilgiri, Seraikella, Sonepur and Talcher States place on record their desire to promote a Federal Union of their respective States for the purpose of dealing with such Subjects as may be agreed upon, with the help of a popular Legislature and an Executive on which the States people will be represented.

2. A Special Committee consisting of the Rulers of Korea Khairagarh, Kanker, Kalahandi, Patna, Seraikella, Sonepur and Sakti States be appointed for the purpose of

- (a) arranging for the drafting of the constitution of the proposed Federal Union and setting up a Committee to undertake the drafting ;
- (b) constituting a Special Organisation for collecting necessary data and preparing necessary Memoranda to assist the Drafting Committee in the preparation of the Constitution ;
- (c) acting as the Regional Negotiating Committee with the various bodies and interests with which necessary settlements have to be made ; and
- (d) preparing a Memorandum indicating the general character of the constitution of the Union contemplated, the various stages in the process of constitution making, and the manner of the association of non-official public opinion in it at an appropriate stage.

The Special Committees will have the power to co-opt other Members including experts.

APPENDIX IX

Minutes of the Sixth Rulers' Conference held at Hastings House, Alipore, Calcutta on the 16th-18th July, 1946.

The Hon'ble the Resident—extended a welcome to the Rulers and Dewans and especially to the Maharajas of Cooch Behar and Mayurbhanj and the Tripura representative. He then explained the purpose of the meeting which was, briefly to consider the role which the Rulers of the Eastern States might aspire to play in the new India. He emphasised that the meeting was for informal discussion and invited all Rulers to voice their ideas.

The Hon'ble the Resident particularly directed the Rulers attention to the need for formulating a practical plan which would be acceptable both to their own people and also to the other units of the proposed Central Government for India. The Rulers had behind them a long tradition and experience of administration and should be able to make a valuable contribution to the future Government of the country.

The Hon'ble the Resident then read out the salient points of the Political Advisers' address to the Committee of the Chamber of Princes and pointed out that although the people of the States are at present politically backward they will in future associate more and more with the people of the Provinces and so grow up politically. The Rulers must therefore evolve a scheme which will be accepted by the people both now and in the future, so that they will be able always to rely on the loyal co-operation of their subjects.

The Maharaja of Patna—said that the problem of the Eastern States was to fit in with the proposed Indian Union by forming a Unit among themselves which would be comparable

to a Province of British India. He also emphasized that the people should be associated with the Government and that practical steps must be taken to achieve this. As regards the Unit, he suggested that the Orissa and Chhattisgarh States, if combined, would form a compact area with a fairly large population and many natural resources enabling it, especially with the addition of Mayurbhanj, to become financially stable and to claim to be one of the Units of the Central Government. He pointed out that there already existed agreement in joint measures between the Chhattisgarh and Orissa States on which nucleus a federation could be built. He asked what would be the attitude of the Political Department to such a federation. He also asked what was the policy of the Political Department with regard to Minority States.

The Hon'ble the Resident,—replying, again referred to the Political Adviser's statement where it is laid down the role of the Political Department was to assist States over the preparation and implementation of practical plans, and he quoted figures showing the size, population and revenue of various groups of the Eastern States and of some Provinces and large States. He suggested that if the Rulers were determined to try and build up a federation it would have to have a strong Central Government based on an elected legislative assembly with few residuary powers left to individual States. He pointed out that if too many residuary powers were left to individual States progressive States would be hopelessly handicapped by backward States incapable with their insufficient resources to build up anything comparable with a neighbouring Province or even a neighbouring federated State. As regards minority States, the Hon'ble the Resident said that there too the most important point would be the association of the people of the State with the Government and its decision on its future. He again emphasised that any plan the Rulers drew up must, if the backing of the Political Department was desired, be practical and likely to be acceptable.

The Hon'ble the Resident then asked each Ruler in turn for his views. In general, it appeared that all Rulers were in favour of a federation of the Chhattisgarh and Orissa States, but they wished the individuality of States to be preserved by considerable residual powers residing with them. They agreed that the people of the States would have to be consulted and their agreement to any plan obtained and a member considered that constitutional experts should be consulted when preparing the plan.

Of the individual Rulers who spoke, the **Maharaja of Mayurbhanj** said that he did not wish to commit himself at present but that if the Chhattisgarh and Orissa States produced a plan for a federation he would be prepared to examine it and then decide what would be best for his State.

His Highness of Cooch Behar—pointed out that his State was so far away from any other that it would be difficult for them to join any group. He felt that his State might perhaps have to join a province, preferably Assam.

The representative of Tripura—said that Tripura State had not yet decided what it wanted to do.

The Maharaja of Sonepur—considered that the Chamber of Princes would have to be consulted and the **Maharaja of Patna** mentioned that the Chamber had set up a Committee to consider the grouping of States throughout India and to draft a model constitution for such groups.

The Ruler of Korea—agreed that the ground work for forming a federation of the Orissa and Chhattisgarh States already existed and he thought that such a federation would satisfy the people and the Central Government. He did not however consider that there should be a common exchequer or disturbance of the boundaries of States.

The Ruler of Seraikella—regretted the disappearance of the protection of the British Government. He did not believe that the Paramount Power would ever abandon States and leave

them in a defenceless and unstable condition and he did not think that the States could do anything without the sympathy and support of the Paramount Power. He also considered that as Coorg and Ajmer-Merwara were likely to be allowed to survive as separate units, States with incomes of over 50 lakhs might also survive individually.

The Raja of Khandwara—did not think that Rulers could work together harmoniously. He suggested that Orissa States should be grouped with the Orissa Province and Chhattisgarh States with the Central Provinces and Berar as equal partners with them.

The Dewan of Surguja—also emphasised the importance of getting the support of the people. He was of opinion that the people of British India were looking to the Rulers of the States as their future natural leaders and he thought there was much goodwill towards Rulers among those people.

The Maharaja of Patna—then pointed out that it was for the Rulers to work out a scheme and that the object of the present meeting was only to find out what were their opinions. From the speeches made it appeared that they were all in favour of forming a group, but for working out the details, a committee would have to be formed.

The Raja of Korea—pleaded for a revival of the days when Rulers were looked upon as leaders both in times of war and peace and said that in the future they could, with their resources still play an important part in the new India.

The Maharaja of Patna—then explained briefly what had transpired at a meeting held by the Rulers among themselves on the 17th of July. They had come to some conclusions but as all Rulers did not attend, he suggested it was desirable to get confirmation of these decisions. The Maharaja then read out the resolution which the Rulers had adopted :—

“The Rulers of Changbhakar, Chhuikhadan, Kalahandi, Kanker, Kawardha, Khairagarh, Korea, Patna, Sakti, Sarangarh, Udaipur, Athmallik, Bamra, Baramba, Baudh, Daspalla, Dhenkanal, Gangpur, Hindol, Keonjhar, Khandpara, Nayagarh, Nilgiri, Seraikella, Sonapur and Talcher States place on record their desire to promote a Federal Union of their respective States for the purpose of dealing with such subjects as may be agreed upon, with the help of a popular Legislature and an Executive on which the States people will be represented.

A Special Committee consisting of the Rulers of Korea, Khairagarh, Kanker, Kalahandi, Patna and Seraikella States be appointed for the purpose of :—

- (a) arranging for the drafting of the constitution of the proposed Federal Union and setting up a Committee to undertake the drafting ;
- (b) constituting a special organisation for collecting necessary data and preparing necessary memoranda to assist the drafting committee in the preparation of the Constitution ;
- (c) acting as the Regional Negotiating Committee with the various bodies and interests with which necessary settlements have to be made ; and
- (d) preparing a Memorandum indicating the general character of the constitution of the Union contemplated, the various stages in the process of constitution-making, and the manner of the association of non-official public opinion in it at an appropriate stage.

The Special Committee will have the power to co-opt other members including experts.”

The Maharaja then asked if all agreed to this.

The Ruler of Baudh—moved an amendment that the Special Committee referred to in paragraph 2 of the resolution should consist of 8 Rulers instead of 6 and this was eventually carried. For the two additional places on the Committee, the Rulers of Sonapur and Sakti were unanimously elected.

The Maharaja of Patna—then mentioned the question of T.A. for members of the Special Committee and after some discussion it was agreed that the T.A. of Rulers attending the Special Committee should be debited to the common fund of that Committee.

The Maharaja of Patna then made a proposal for an interim arrangement until the final plan for the federation was ready, but after some discussion this suggestion was dropped.

The Raja of Seraikella—then read out a proposed preliminary budget for the Special Committee of eight which had been set up and this was unanimously adopted.

The Raja of Korea—then said that he had grave apprehensions of what was taking place between Mr. Mahtab, the Premier of Orissa Province, and the Political Department.

The Hon'ble the Resident—explained that Mr. Herbert had been asked by the Governor of Orissa to go there and explain the constitutional position of States when Paramountcy ceased. Mr. Herbert explained that Paramountcy would not be handed over to any one else but all powers would be returned to the Rulers. Mr. Herbert, the Hon'ble Resident said, had met Mr. Mahtab and the latter had told him of his anxiety to meet the Rulers of States and to come to some amicable agreement with them to their mutual benefit. The Hon'ble the Resident strongly advised Rulers to allow two or three of their members to meet Mr. Mahtab for an exchange of views. He explained what they need not commit themselves, but they could show him that they were doing and what they had done to fit their State for a place in the new India. The Hon'ble the Resident said that from copies of replies which Rulers had sent to his letter to them he was glad to see that they appeared to be generally in

favour of such a meeting and thought it would be wise of them to meet him. He said that the Political Department were merely anxious to help the Rulers. Mr. Mahtab apparently wanted both the States and the Orissa Province to survive and he seemed to believe that only by combining could they do so. Economic co-operation with Orissa Province would undoubtedly be necessary and beneficial to the States.

The Political Agent, Orissa States—then said that he had met Mr. Mahtab and had told him that he had antagonised the Rulers by his speeches and the articles printed in his paper "The New Orissa". Mr. Mahtab had told the Political Agent that Orissa was a deficit Province and that if it could not combine with the States it would probably be partitioned between Madras and Bihar. Mr. Mahtab thought it would be a pity if the only Oriya Province in India were to disappear.

The Maharaja of Patna—then said that when he received Mr. Mahtab's original letter he had replied that he would be prepared to meet and discuss matters with him, but the persistent reports in the press referring to merger and amalgamation of the Eastern States with the Orissa Province and the attitude of the Orissa Congress, which had become increasingly hostile, had convinced him that Mr. Mahtab was merely up to his old game and that at present they could not meet without press misrepresentation. He said that Mr. Mahtab's attitude to States had always been hostile and had lately become worse and that he and his party had started agitation in the States and they were trying to depict States as part of Orissa. When the Congress went out of office, the States had very cordial relations with the Orissa Government, especially over such matters as the Utkal University, the Mahanadi Valley Scheme and the States' contribution to the Medical College. He mentioned that Mr. Mahtab had wired to the Chancellor of the Chamber of Princes suggesting that a distinction should be made between States having treaty rights and smaller ones, among which he included the Eastern States. The Maharaja was of the opinion that there was at present no common meeting ground and he did not think that Rulers should make any advance until Mr. Mahtab changed his

tactics and provided a basis on which they could meet with self-respect and mutual goodwill. The other Rulers of a like opinion and in any case were not prepared to discuss amalgamation but only economic collaboration. **The Raja of Korea** suggested that the Congress High Command might be prepared to discuss and agree on the future of States with the Chancellor of the Chamber of Princes and that if a decision was reached on such a level, they, the Congress, might instruct their local Orissa representatives, such as Mr. Mahtab, not to do anything prejudicial to such a settlement.

The question of the C.I.D. was then taken up. The Ruler of Khairagarh said that the original proposal made at the last Rulers Conference at Raipur in December 1945 that the C.I.D. should continue to function had not been passed. Since then some Rulers had expressed a wish that it should continue and he therefore proposed that the C.I.D. should be resuscitated as a permanent measure and that all policy arrangements should be brought under a Board of Control. **The Raja of Seraikella** seconded this proposal and the Maharaja of Patna also spoke in support of it. It was then put to the vote and carried unanimously.

The Maharaja of Patna—then proposed that the Joint Armed Police and State Police should be rearmed with modern weapons and provided with transport, wireless etc. This was agreed to but it was decided to leave the arrangements to the Board of Control when it was set up. Hon'ble the Resident explained what was already being done to reorganise the Joint Armed Police within the financial limits of the current sanction.

The Hon'ble the Resident—said that he would like Rulers' opinion on the question of the future of minority States. **The Ruler of Korea** suggested that they should not be allowed to keep out of the new proposed Group and join another State or Province. **Hon'ble the Resident** pointed out that if by joining another State or Province the people were likely to be more benefited it might be difficult to prohibit it, if there was a popular demand for such a move. The case of

Bastar and Hyderabad was particularly mentioned by the Ruler of Korea who pointed out that if any such defections occurred, their Union would be jeopardised. The danger of letting managed States be subject to outside propaganda when the Ruler was not there to retain the loyal support of his people was also stressed.

The Hon'ble the Resident—asked whether anything could be done to help States who needed new land and forest settlements but found it difficult to obtain or afford suitable settlement officers and staff. In many States settlements were long overdue and might become a focus of discontent dangerous not only to the individual State but to the whole Group which they thought of forming. The Maharaja of Patna hoped that when the proposed federation was formed the difficulty of providing properly trained settlement staff would be overcome and in the meantime he suggested that some States might perhaps join together and engage a properly qualified settlement officer to carry out settlements in turn.

The meeting closed with a unanimous vote of thanks to the Hon'ble the Resident.

APPENDIX X

Telegram Dated the 14th May 1946 from Hon. Sri H. Mahtab, Premier, Orissa, Cuttack, to (i) Lord Pethick Lawrence, Secretary of State for India, New Delhi; and, (ii) Lord Wavell, Viceroy, New Delhi.

“Hope to be excused for reminding your Lordship that, twentysix Orissa States should be amalgamated with Province in interest of both; otherwise Oriyas as a race will go down in present day competition. It is within your Lordship’s powers even under present Constitution to effect amalgamation without hurting fairness and justice.”

Letter dated 18th May 1946 from Lord Pethick Lawrence Secretary of State for India and Member, Cabinet Mission, New Delhi, to the Hon’ble Sri H. Mahtab, Premier, Orissa, Cuttack.

“I write to acknowledge your telegram of 14th May about the Orissa States. I have consulted H. E. the Viceroy about this and I am in agreement with the reply which he has sent you by telegram in reply to a similar message.”

Telegram dated the 18th May 1946, from the Private Secretary to H. E. the Viceroy, New Delhi, to the Hon’ble Sri H. Mahtab, Premier, Orissa, Cuttack.

“Reference your telegram of 14th May about the Orissa States. His Excellency hopes that an association satisfactory alike to the Province and the States will be achieved as a result of the negotiations contemplated in para 14 of the Cabinet Mission’s statement of May 16th.”

APPENDIX XI

Copy of demi-official letter No. F-17-R1/46, dated 17th May 1946 from the Hon'ble Sir Conrad Corfield, KCIE, CSI, MC.; to the Hon'ble Sri Harekrishna Mahtab.

"Thank you for your D.O. letter No. 51/HPM. dated the 10th May 1946. After my discussion with you I wrote to the Resident and received his reply a few days ago. I now enclose for your information a copy of an Express letter No. F. 17-R (S)/46 dated the 15th May 1946, which I have addressed to the Resident.

2. Increased association of the Orissa States with the Province will inevitably raise constitutional problems of more than local significance. It is for this reason that His Excellency would like Mr. Herbert to be present at the proposed meeting between representatives of the Province and the States."

Copy of an Express Letter No F. 17-R(S)/46 dated 15th May 1946 from Polindia, New Delhi, to Eastates, Calcutta.

Reference your demi-official letter No. C. 30-13/46-P, May 6th and Mahtab's letter to Orissa Rulers dated May 9th of which it is understood, you have received a copy direct. Please get into touch with Governor of Orissa and try to arrange for appropriate Committee of Rulers concerned to meet suitable Provincial representatives as soon as possible in order that both parties can exchange views and face up to practical issues. Please indicate as soon as possible when and where such meeting could be arranged (if it can be secured) so that Herbert who is on special duty to deal with problem of small States may be present.

APPENDIX XII

Proceedings of the Discussion held between the Prime Minister of Orissa and the Rulers representing the Orissa States at Sambalpur on the 16th October 1946, (as recorded by H. Mahtab).

The following were present :—

1. Raja Saheb of Seraikella, President of the Sub-Committee of the Rulers of the Eastern States Agency and also authorized Representative of the Maharaja of Patna.
2. Maharaja Saheb of Sonepur.
3. Raja of Baudh, President of the Council of Rulers, Eastern States Agency.
4. Raja of Daspalla.
5. Raja of Khandpara.
6. Jubraj of Sonepur.
7. The Political Agent, Sambalpur.
8. The Prime Minister, Orissa.

The discussion began at about 12.30 p.m.

At first the Prime Minister of Orissa explained the circumstances in which the question of one administration for the Province and the States was raised. The substance of his talk is as follows :—

In the new order of things when the Centre will be a loose one different units of administration in India have to be strong and able to stand by themselves, otherwise there is danger of one unit being swamped by the other. So far as Orissa is concerned, considering its geographical, linguistic and ethnological affinity with the States, it is desirable that there should be one administration for both the States and the Province, otherwise

both the Province and the States can have no efficient planning in absence of which each part will be weak in comparison with other Provinces of India. With regard to administration of law and order, food and cloth, control of river systems, development of communications, organisation of public health, development of education and every other matter relating to the welfare of the people of both the States and the Province, it is necessary that there should be joint planning and joint administration. Since the beginning of the British Rule there has been always a link between the administration of the States and the Province. At one time the Commissioner of the Division was the link, then the Governor-in-Council became the link and today the Governor-General in person is the link between the States and the Province. In the new Constitution there will be no such link and the States and the Province, if they do not agree to one common administration, will go wide apart from each other resulting in inefficiency in administration of all matters in either of the parts. If this is agreed upon, then it is for the States and the Provincial Government to decide and agree upon as to how one administration can be brought about. This is a question of negotiation and no definite proposal has yet been discussed although the Orissa Government offered to discuss the matter with the Rulers some time back. Tentatively it may be suggested that the Rulers will have an effective voice in the administration either by providing for their *ipso facto* inclusion in the Legislative Assembly or by creating an Upper Chamber for them. Their sovereignty may be formally recognised by providing that any law passed by the Legislature will be applicable to the territory of a Ruler after he formally gives his consent to it. The dynasties and the privy purses may be guaranteed also by law. One administration of the Province and the States thus constituted will take up development of all the parts irrespective of the capacity to pay back of any of the parts in the province. It may be, some better suggestion can be made. The Rulers and the Orissa Government ought to be prepared to discuss all proposals and come to an agreement without which no satisfactory solution can be found out.

After the position was explained by the Prime Minister, Orissa, the Raja of Seraikella, as the spokesman of the Rulers said as follows :

The newspaper reports published with regard to the amalgamation of States with the Province have created some uneasiness amongst the masses in the States and the Rulers are apprehensive that a situation like that of 1938 may be repeated today also. These reports were never contradicted by any responsible Congress leaders. The combination of all the Orissa States and the Chhatisgarh States on the basis of gradation is a practical proposition and will perhaps be stronger than the union of the Orissa States with the Orissa province. The interest of the Oriya nation is always held near and dear to their hearts by the Rulers. The proposals suggested by the Prime Minister should be formally communicated to the Raja of Seraikella for the consideration of the Rulers and some time should be given to them to come to a decision. In the meantime developments in the future political structure of the country should be closely watched.

In the course of discussion several matters came out prominently. One is the interference of the Congress party in the administration of States and also the interference of the Patna Darbar in the administration of Sambalpur so far as the Hirakud Dam is concerned. The Prime Minister of Orissa explained that since the Orissa Government is a representative one and the electors have got everything in common with the people of the States, it was very difficult for the Government as such to take any legal action against publication of any news in the newspapers or even in the activities of any non-official in the States, but he would exercise his moral influence to dissuade the newspapers and the members of the Congress party from doing anything which might create unrest in the States. With regard to Patna Darbar's interest in the Hirakud Dam agitation, the Raja of Seraikella said he would talk to the Maharaja of Patna and explain to him everything that has happened at Sambalpur in the conference. If necessary, a

meeting between the Maharaja of Patna and other Rulers with the Prime Minister would be held as soon as convenient.

The discussion lasted for about six hours continuously and it was all along very friendly and in the evening all parted with the satisfaction that each party had been able to understand the position of the other. On the whole it may be said that the deadlock so far created between the States and the Province has been solved and further negotiation will be carried on with a good spirit on the part of both the parties. The Political Agent was very helpful in the discussions.

**Minutes of the meeting of the Riparian States Committee held
at the Political Agent's bungalow on 16th October 1946
(As recorded by the Ruler of Seraikella)**

Those present were :—

- (1) Hon'ble Mr. H. Mahtab, the Premier of Orissa.
- (2) Maharaja Saheb of Sonapur State.
- (3) Raja Seheb of Seraikella State.
- (4) Raja Bahadur of Daspalla State.
- (5) Raja Saheb of Baudh State.
- (6) Raja Saheb of Khandpara State.
- (7) The Political Agent of Orissa States (as an onlooker).

Mr. Mahtab introduced the scheme by saying that the Rulers of the Eastern States were thinking him to be their enemy and that one of the Rulers had gone so far as to describe him as PARSURAM, and that he will explain the true situation which would convince the Rulers that he was not so bad as they thought. He said that he went to Delhi at the invitation of the Cabinet Mission and not as the Premier of Orissa at that time. When, as a prospective Premier, he was called there he met Sir Stafford Cripps who enquired of him that in case India got freedom whether it would be possible for his Province to stand on its own legs, to which Mr. Mahtab

replied that if there would be a strong Centre his Province would be able to manage as a separate entity, otherwise not. Then Sir Stafford Cripps told Mr. Mahtab that he thought India would have a weak Centre, in that case what would he do about his Province. He replied that in that case if the Orissa States would be amalgamated with the Province it would be a very strong Province. He supported this by quoting facts and figures of the statistics he had with him. Mr. Mahtab then met Sir C. Corfield the same day to whom he gave his proposal and enquired of him whether that was according to law. He asked Mr. Mahtab to consult Sir S. Cripps, who was a renowned lawyer. Then Mr. Mahtab met Sir S. Cripps the same day and asked about his opinion. He told Mr. Mahtab that if by negotiations he would come to terms with the Princes of Orissa States and get the approval of the Crown Representative, then the proposal could be worked out.

After dealing with the statistics Mr. Mahtab asked for co-operation of the Orissa States to strengthen the position of both the parties which will counteract the pressure of the Muslim Province of Bengal and the Muslim State of Hyderabad in the South. He appealed to the Princes to strongly resist the concession granted by the Bastar State to the Hyderabad State which, if not cancelled, will increase the Muslim influence in Bastar State and both the Orissa Province and the States will be threatened from the North and the South as would make their existence precarious. Mr. Mahtab told the Rulers present here, quoting from his notes, that the Orissa Province including the States was, except in rice, deficit in all other foodstuffs. For foodgrains, oil-seeds, cotton etc., they had to depend on outside help. The present arrangement was so funny that the Orissa Province had to indent mustard from Punjab while the same from the Orissa States was going to Madras or Bihar. The yield of paddy per acre in Sambalpur was 22 maunds, while in Ganjam it was 40 mds. Could the States and the Province hope to be profited if they do not follow a common policy? He also tried to prove that while educational institutions have grown more by the establishment of the Orissa University it is not so in the States and that the States and the Province might

do much better if they joined with each other, and by such co-operation he thought that Orissa and the States would be one of the richest Unit in India. Maharaja of Sonepur asked him about his plan or scheme on this. Mr. Mahtab said that he had not got a cut and dry scheme on this, that one could be evolved by mutual discussion, that a Planning Committee of 3 members from the States and 3 from the Province should be formed and given the legal authority to plan and their decisions would be binding on both States and the Province. As regards the scheme, he suggested that the States might join in one legislature with two Houses and it could be arranged by convention, and the Rulers might be allowed in their right to be returned to the Chamber and then they could sit in the Upper Chamber and take part in the legislation. In order to maintain the sovereignty of the States laws passed by the legislature should be certified by the Rulers to become a law and applicable to the State, as the Governor is doing in the backward areas of the Province and that the Dynasties and Privy Purses may be guaranteed by law. Raja Saheb of Seraikella enquired from Mr. Mahtab as to what would be the financial implications. Then he said that so far as the Hirakud Dam was concerned the Central Government was going to impose on the Sonepur Durbar a part of the expenditure but that he thought that Sonepur should not be made to pay any contribution but at the same time should be allowed to get water and electricity at the rate to be fixed by the local Government and approved by the Central Government. He also mentioned that the States and the Province could jointly raise a loan because at the present time no one was willing to advance loan to the States. He also mentioned that if the Province and the States joined together they could approach the Central Government for granting them a subsidy for financing the industrial and other improvements. Mr. Mahtab added that some of the Districts in Orissa are deficit areas, such as Koraput which has only 2 lakhs income and an expenditure of 7 lakhs. He is, therefore, contemplating to form different zones so that the deficit areas may find their own finance without becoming burden upon other districts. This answer of Mahtab was not clear to the Rulers present.

Then the Maharaja of Sonepur raised the question of agitation in the States. The Raja Saheb of Khandpara and the Raja Bahadur of Daspalla also spoke on the same point. Raja Bahadur of Daspalla said as to why Nayagarh agitators were being sent to start agitation in his State when there was no Prajamandal or agitation in the State. Mr. Mahtab promised to look into the matter and also mentioned that they had received a circular from Pt. Jawaharlal Nehru, the President of the States Peoples' Conference, not to create any agitation in the State at present, and that he would issue instructions to the Congress workers to see that no agitation was started in the States. Mr. Mahtab also said that the newspapers write different stories over which he had no control but that he would see what could be done about it.

During the discussion the Maharaja of Sonepur drew Mr. Mahtab's attention to his statement regarding the location of the Capital at Bhubaneswar that bigger houses would be necessary for the Legislature so as to accommodate State Representatives. Mr. Mahtab replied to this point that he had said that if State Representatives joined the Legislature a bigger house would be necessary. The Rulers of Seraikella and Sonepur pointed out that the word 'if' had been omitted in his statement on the subject which created some misunderstanding.

The Maharaja of Sonepur also raised the question as to why the news of the opposite side alone were being published in the newspapers and the version of the States on the same issue ignored and not published. It was explained that the States had got individual publicity departments of their own and a Central Publicity Bureau. Mr. Mahtab promised to look into the matter. The Maharaja of Sonepur then said that some of the Prajamandal leaders from the State and from outside had now started abusing the Princes in public meetings in obscene language which undermined the Rulers' position and prestige. Mr. Mahtab hearing that expressed surprise and asked the Maharaja to send the names of such people. He further said that he had no sympathy for such people because one of the

absconders from the Talcher State who met Mr. Mahtab at Delhi and asked him to allow him to come back to Orissa was told by him that if he landed in Orissa he would be arrested and handed over to the Talcher Darbar.

Then after lunch Mr. Mahtab resumed the conversation. The Raja Saheb of Seraikella replied on behalf of the States by saying that the discussion was purely exploratory and that they had only been authorised to report to the Princes' Committee and as such could not commit themselves to anything at this stage. He said that the Cabinet Mission's proposals and the removal of paramountcy would place the States and the Provinces in an independent position except a few Central subjects. Also at the same time the States would be deprived of the protection for the internal security of the States. It would, therefore, be necessary for them for this purpose and also for subjects other than the 3 central subjects to come to some arrangement between themselves and to seek co-operation from the neighbouring Provinces and States and most probably with Group A of the Cabinet Mission's proposals. The Rulers of the Orissa States have always been co-operating with the Orissa Province in matters of cultural and other developments and many of the institutions in Orissa owe their existence to the munificence of many of the Rulers. The Rulers are always ready to co-operate with the neighbouring Provinces and States but the manner in which their co-operation is sought seems to them to be peculiar. No one, even the beast and bird, can approach another if invited for co-operation with a gun in his hand. Mr. Mahtab had said that he had got no control over the press or over the workers, but when they were going to talk with Mr. Mahtab the States could not come to any arrangement with him in his individual capacity but only as the Premier of Orissa and the representative of the Province. If one had got no control over his party or press what security was there that any arrangements arrived at would not be changed by his successor or the party in power? The States always used to co-operate with Orissa Province. But when the Congress

Ministry came into power in 1938 there was agitation in the States and from the admission of Sir John Hubback it was clear that the Congress interfered with His Excellency's wish to leave the States alone and the agitators were encouraged by the Congress Ministry. Later when the Parlakimedi Ministry came into power they showed friendly and neighbourly attitude towards the States and as a result the Orissa University came into being with the co-operation of the States and the Province. Unfortunately again with the advent of the Congress Ministry same agitation has been revived the press-reports challenging the very existence of the States and their Rulers, and Congress workers going into the States to foment discontentment. Nazi methods were being advocated to win over the people against the States and their Rulers for which the Rulers thought that the present Ministry was responsible. If such agitation could be checked during the Parlakimedi Ministry why could it not be checked now ? Mr. Mahtab said that he could not pass a legislation against the press as their motto was freedom of speech and press. But the Raja of Seraikella pointed out to him that they do not want any anti-press legislation to curb the freedom of the press but said that whenever any false report against the States is published in the press the Ministry or Mr. Mahtab can challenge the statement by merely quoting the word 'it is not true', and in the same way false reports about the States should be contradicted. Mr. Mahtab said that during the Parlakimedi Ministry the D. I. R. was in force which is not the case now and when the foundation stone of the Hirakud Dam was laid there was no agitation but now the agitation has started and how could he be held responsible for it ? Mr. Mahtab said that he saw Maharaja of Patna helping the Hirakud agitation to which the Maharaja of Sonapur and the Raja of Seraikella said that not a single pic was subscribed for it. Then the Maharaja of Sonapur said that if he could not use his legal force he could use his moral support by issuing statements etc., to which Mr. Mahtab promised to give his moral help. The Raja Sahab of Seraikella said that when there would be one Legisla-

ture and one Cabinet, the administration would require some finance to run the administration. How can that be met from different Units ? Mr. Mahtab said that it was a question which he would like to examine ; but he agreed that there must be one Exchequer. The matters of primary education and services were better than in the neighbouring Province. They have separate judiciary and they hoped that they could utilise their resources in the forest and minerals which are abundant in the States than in any part of India and thereby raise their income considerably by proper planning, and that some more States also might probably join this Union.

After explaining the benefits of the proposed Union, the Raja of Seraikella pointed out that the Rulers' Union would be strong enough to stand on its own legs. Mr. Mahtab proposed that Orissa also might be taken as a Unit in the Union. To this point after quoting figures, the Raja of Seraikella pointed out that area and income being almost equal, a Union with the Orissa Province, will put a burden of extra 62 lakhs of population on the Union with Orissa. Mr. Mahtab said that they had no objection to the proposed Union with the Chhattisgarh States, if the Orissa Province might be taken as a Unit and whatever name—Koshal, Mahakoshal or any other—might be given to the proposed Union. The Raja Saheb of Seraikella said that in that case also the population of Orissa being 90 lakhs it will always have a majority and as such dictate terms to the minorities in the States to which Mr. Mahtab replied that population factor did not always count and it was the intelligent people, however small they might be, who would always lead the rest. Then the Raja of Seraikella asked whether Mr. Mahtab is ready to enter their Union on their terms. Mr. Mahtab asked the Raja Saheb of Seraikella what their terms were to which the Raja of Seraikella replied that he could not divulge his terms without consulting his brother Rulers and asked Mr. Mahtab to supply his scheme or schemes so that they could consider it carefully. He also added that they would have to think about the welfare of their States and their people and that of their

dynasty as they have been handed over their States as trust by their ancestors to which Mr. Mahtab replied that he would send alternative schemes. Then the Raja of Seraikella said that there had been a propaganda by quoting distorted historical facts to show that these States were Zamindaries but they had ample proofs in their hands to show that these States were sovereign States and the Treaties which they had with the British Government would show that there had been differentiation between their territories and the Mogalbandi and that the States would never come to any arrangement without acknowledgment or their full sovereignty. Mr. Mahtab said that he had written a history which would be published very soon but assured that full sovereignty of the States would be acknowledged.

Sd./- A. P. Singh
Raja of Seraikella State.

Sd./- S. S. Deo,
Maharaja of Sonapur State:

D.O. No. 427

Seraikella,
8th November 1946.

Dear Mr. Mahtab,

I have received your demi-official letter No. 1976/H.P.M. of the 31st October 1946 with which you have enclosed a copy of the proceedings of the discussion held between you and the Rulers representing the Eastern State at Sambalpur on the 16th October last in presence of the Political Agent, Orissa States.

I am afraid your note is succinct and brief and does not contain many important points which we discussed. The Maharaja of Sonapur and myself met at Sambalpur to draw up our note with greater details, a copy of which is enclosed herewith. I hope you will find that our note contains the substance of our discussion on more details.

As regards your note, as far as I remember, you did mention during the discussion that His Excellency the Crown Representative is the link between the States and the Provinces at present, and a weaker Center, will break the link. I do not remember you to have mentioned the name of Commissioner or Governor nor any argument on the point to prove that the Orissa States will be only now separated from the Province if no such Union takes place. With regard to—"The proposals suggested by the Prime Minister should be formally communicated to the Raja of Seraikella for the consideration of the Rulers and some time should be given to them to come to a decision", as mentioned in paragraph 3 of your note, I am afraid you never put any definite proposals during our discussion and only made some suggestions and therefore we asked for definite schemes and you kindly promised to send alternative schemes. Regarding the Patna Durbar's interest in the Hirakud agitation, if I remember aright, it was a personal talk between you and me after the breaking of the discussion and therefore I think it should not find place in the note.

I shall be glad to know if the note as prepared by us records correctly the substance of our discussion, and I can assure you that your proposed schemes when received will have our earnest and careful consideration.

Yours sincerely,
Sd./- A. P. Singh.

The Hon'ble Mr. Harekrishna Mahtab,
Premier of Orissa, Cuttack.

D.O. No. 2236/H.P.M

Cuttack.

The 13th November, 1946.

Dear Raja Saheb,

Your letter dated the 8th November 1946 and its enclosure.

Since our meeting was not strictly formal and we were discussing all the while in an informal manner, I thought a record of our discussion only on the question of formation of one administration of the States and the Province in the transition period should be kept. With that end in view, I prepared the note, which, I find, is not substantially different from the record which you have kindly sent. I do not mind if your record is taken as the minute of the meeting of the discussion between yourselves and myself. I do not understand how you called the meeting as that of the Riparian States Committee. I had nothing to do with this Riparian States Committee. I do not see any use in mincing matters and facing facts as they are.

As regards paragraph 3 of your letter with regard to my pointing out to you the existence of common link between the States and the Province from the beginning of the British rule, I definitely remember that I traced the history of this link and said that in the beginning it was the Collectors and the Revenue Commissioner who formed the link. Subsequently the Governor-in-Council was the link and at the present moment the Crown Representative in the person of the Viceroy is the link. Nobody can deny the history as it is. I definitely remember that the Maharaja of Sonapur suggested to me that I should formally send my proposals to the Rulers for their consideration and they should be given some time to examine them and I definitely remember to have agreed to his request. In course of conversation it was suggested by the Maharaja of Sonapur that the proposal should be sent to you.

As regards the proposals I definitely explained in the meeting that the basic proposal is to form one administration

for the States and the Province, and as to how this object can be achieved, mutual discussion between the States and the Province is to be carried on. There is no other proposal beyond this. If the Rulers agree to this basic proposal, then alone discussion can proceed, otherwise there is no beating about the bush.

As regards Patna Durbar's interest in the Hirakud agitation, you say it was a personal talk between you and me. I think it was. But from the minutes which you have kindly sent, I find you have not been careful to include all sorts of talk we had there, both personal and public. However, it does not affect the report in any way.

As regards the last part of the last paragraph of the minutes which you have sent, you will please remember that when you began to discuss the history of the States, I insisted not to bring in that subject and it was agreed that the history should not be discussed but the facts as they are should be taken into consideration. Whatever might be the history of these States, I pointed out that in the present circumstances the paramountcy would revert to the States and that fact has to be taken into account.

As regards the last paragraph of your letter assuring me that my proposed schemes will receive earnest and careful consideration in your hands, I would again submit that the only proposal of mine is that there should be one administration both for the States and the Province. If this is agreed upon, we may proceed to discuss the ways and means to bring it about. I shall be much obliged if the Rulers kindly consider this proposal in right earnest. I would like to remind you about what I said regarding the Patna Durbar's interest in the Hirakud agitation. It has now been definitely established that the Maharaja of Patna is involved in such a way in the agitation in Sambalpur that very likely our Government may come in clash with him in spite of our greatest reluctance. I shall be

much obliged if you kindly take some step in this matter, otherwise I may not be blamed in future.

Yours sincerely,
Sd./- H. Mahtab.

To
The Raja Sahib of Seraikella State,
Seraikella, Eastern States Agency.

D. O. No. 468

Seraikella,

Dated the 20th November, 1946.

Dear Mr. Mahtab,

The following as a postscript may kindly be appended to the Note of Discussion under reference sent with this office letter No. 427 dated 8-11-46, as suggested by the Maharaja of Sonapur :—

“We are, however, pleased to have met the Hon’ble Premier of Orissa and to have carried a friendly conversation with him for nearly six hours”.

Yours sincerely,
Sd./- A. P. Singh

The Hon’ble Mr. Harekrishna Mahtab,
Premier of Orissa, Cuttack.

D. O. No. 477

Seraikella,

23rd/24th November 1946.

Dear Mr. Mahtab,

I acknowledge the receipt of your demi-official letter No. 2236/H.P.M. of the 13th instant.

2. The Rulers were called at Sambalpur to consider the riparian question connected with the Hirakud Dam Project. As

our discussion was informal and exploratory, it has been noted in connection with the Riparian Committee. However, there is nothing in the minds of the Rulers to mince matters as they are. We have drawn our note elaborately as we thought many things which, though appear small now, may be useful later. You will see that we have not included in our note anything which did not come up during the discussion. I, therefore appreciate that you agree to their inclusion in the minutes.

3. In paragraph 3 of my letter I just intimated the fact that neither the Maharaja of Sonapur nor myself remember to have discussed the question of link in details. The Political Agent, who was present during the discussion, also could not help us on the point. However, the fact remains that there is always a link everywhere to regulate the relation between the States and the Provinces and therefore I can have no objection in incorporating the point in the note.

4. Regarding your proposal during the discussion, so far as I remember, you made three alternative suggestions :—(i) A Committee of 6 members—3 from the Province and 3 from the States to be in charge of planning with some statutory powers entrusted to them; (ii) One Legislature for both the Province and the States which will be bicameral—the Rulers being admitted to the Upper Chamber as of right and (iii) Orissa Province to be taken as a Unit in the proposed Eastern States Union. In your letter, however, you now urge that the Rulers are to accept a basic proposal of forming one administration for the States and the Province. You are aware that we have no authority of any kind to commit the States to any decision but we are only to submit a report to the Special Committee regarding our discussion with you. I am, therefore, afraid, I am not in a position to express any opinion at this stage. The matter will be placed before the Special Committee of Princes which will meet sometime in December and we shall write to you in due course after the Committee's deliberations.

5. Regarding the Patna Durbar's interest in the Hirakud agitation, I am glad that you have agreed that this was a personal talk between you and me. When I discussed the history of the States, you pointed out that you had written a history which would be published soon. It was agreed that the history should not be discussed and the fact as they stand be taken into consideration and the full sovereign status of the States should be accepted.

6. In the last para of your letter you have drawn my attention to the Maharaja of Patna's interest in the Hirakud agitation. As far as I know the Maharaja of Patna has not helped the Sambalpur people in any way with men and money. Therefore, I cannot understand how he is involved in the affair. However, I am sending a copy of your letter to the Maharaja of Patna for his information and I believe a personal contact between you and the Maharaja might clear the whole atmosphere. I am afraid a clash between the Durbar and the Province will not be to the benefit of either party—rather will accentuate the bad feelings which unfortunately exists to the disadvantage of both.

Yours sincerely,
Sd./- A. P. Singh.

The Hon'ble Mr. Harekrishna Mahtab,
Premier of Orissa, Cuttack.

D.O. No. 544

Seraikella.

Dated the 8th December, 1946.

Dear Mr. Mahtab,

Since writing to you on the subject, I have received a letter from the Maharaja of Patna, a copy of which is enclosed herewith which will show that your misapprehension regarding the Maharaja of Patna's interest in Hirakud agitation is ill-founded.

Yours sincerely,
Sd./- A. P. Singh.

The Hon'ble Mr. Harekrishna Mahtab,
Premier of Orissa, Cuttack.

From

No. 5608 D. F.

The Maharaja & Ruler,
Patna State.

To

The Chairman,
Special Committee of Princes for
the Federal Union, Eastern States,
Seraikella.

Dated, Bolangir, the 3rd December 1946.

My Esteemed Brother,

Please refer to your letter No. 480/7, dated the 25th November 1946 enclosing copies of letters of Mr. Mahtab and your replies thereto.

2. The various points arising out of the informal discussions between some of the Rulers with the Orissa Premier, as well as from the correspondence that has passed between him and yourself, are receiving my consideration, and I shall be writing to you separately on the general questions later on. As certain references have been made to my Government and to me personally, both in the discussions, as well as in the correspondence that has passed between you and the Orissa Premier, my purpose in writing this is to deal with those points only in this letter.

3. It appears from the Record of the 'Proceedings of the discussions held between the Prime Minister of Orissa and the Rulers representing the Orissa States at Sambalpur on the 16th October 1946' forwarded to you under cover D.O. No. 1976/H.P.M., dated the 31st October 1946 from the Prime Minister of Orissa, that amongst those present, the Raja Saheb of Seraikella has been shown as 'also authorised Representative of the Maharaja of Patna'. This is entirely wrong and misleading. The fact is that both yourself and the Maharaja Saheb of Sonapur had been authorised by the Special Committee of Princes to contact Mr. Mahtab for informal discussion, to find out possibilities of co-operation between the States and the Province.

There was no question of either of you representing any individual Ruler. Similarly, the other Rulers of the Orissa States present at the meeting had gone there primarily for the Riparian States Committee meeting and took part in the informal discussions only incidentally. It is, therefore, incorrect to describe the meeting as with the 'Rulers representing the Orissa States'.

4. I find reference to the "Patna Durbar's interest in the Hirakud agitation" both in the proceedings of the meeting sent by Mr. Mahtab and also in your correspondence. I have not been able to understand the exact implication of this insinuation. I, however, wish to make it clear that the Patna Durbar's interest in the Hirakud agitation is neither more nor less than that of any person or institution who keeps in touch with the news about this agitation. In the last paragraph of his D.O. letter No. 2236/H.P.M. dated the 13th November 1946 to your address, Mr. Mahtab has made the surprising statement that "It has now been definitely established that the Maharaja of Patna is involved in such a way in the agitation in Sambalpur that very likely our Government may come in clash with him in spite of our greatest reluctance". As I am not aware of the grounds for Mr. Mahtab's statement, I am unable to offer any detailed comment thereon. I would, therefore, content myself with saying that so far as the Hirakud agitation is concerned it is purely a local affair of the people of Sambalpur. The Hirakhand or Koshal movement is quite a different matter. I am surprised that Mr. Mahtab has without understanding the full implications of the situation, not only thought it fit to throw out a threat in his letter quoted above, but has since started an open press campaign against myself and my Government.

5. I hope you will clarify the inaccuracies pointed out in this letter. I have no objection to your sending a copy of this letter to the Orissa Premier.

Yours sincerely,
Sd./- R. N. Singh Deo
Maharaja of Patna.

D.O No. 19 Camp/Delhi

Camp : 6-Windsor Place.

New Delhi,

The 13th December, 1946.

Dear Raja Sahab,

Your letter D.O. No. 544 dated the 8th December 1946 was received by me here yesterday.

I note the comment of the Maharaja of Patna on the proceedings of discussions held between some of you and myself at Sambalpur. It seems, the Maharaja of Patna does not like the description of the meeting as between the Prime Minister of Orissa and the representatives of the Rulers although he admits that yourself and Maharaja Sahab of Sonepur were authorised by the Special Committee of Princes to contact Mr. Mahtab for informal discussion to find out possibilities of co-operation between the States and the Province. However, the present letter is not much concerned with that.

With regard to Patna Durbar's interest in the Hirakud agitation, I note the comment of the Maharaja of Patna on that part of the proceedings. The Maharaja of Patna conveniently imagines that I have not understood the full implications of the situation which according to evidence, both oral and documentary, appears to be that the Patna Durbar has involved itself directly in the Hirakud agitation of Sambalpur in order to push up its Hirakhand or Kosola movement. However, I do not think any useful purpose will be served by mere correspondence between you and me. **If we (the States and Province) are intelligent enough to forestall any untoward situation, we should be able to manage our affairs by negotiations and discussions, otherwise things will take their natural course and we will learn much from experience.**

If you think that any useful purpose will be served by our demi-official correspondence, I have no objection to carry it on but if there is the determination not to enter into any

discussion and if the publications from some of the States and by at least one of the Durbars clearly indicate the attitude of the Rulers towards my proposals generally and towards me particularly, I think, we ought to correspond through the Political Department and our private correspondence should cease for the time being.

Yours sincerely,
Sd./- H. Mahtab

Raja Saheb of Seraikella,
Eastern States Agency,
Seraikella State.

APPENDIX XIII

Letter dated the 15th December 1946 from H.H. the Nawab of Bhopal to the Hon. Sri H. Mahtab, Premier, Orissa, Cuttack.

—————

“Herewith, as promised, a copy of the Note of our conversation here yesterday. I hope this covers practically the entire ground of our talk. I must once again express my warm thanks for the trouble you took in coming to Bhopal. I trust you will visit us again, whenever you can. With kind regards.”

—————

NOTE of H.H The Chancellor's discussion with the Hon'ble Sri Harekrishna Mahtab, Premier of Orissa, with regard to the situation in the Eastern States.

—————

1. It was agreed that there ought to be a friendly approach to the problems before the Eastern States and the Orissa Government.
2. Some arrangement for administrative, financial and economic collaboration between the two parties should be arrived at by mutual understanding and agreement.
3. No unfriendly acts on the part of either party should prejudice the course of friendly negotiations for an amicable and agreed settlement of the points under discussion.
4. There should be no interference from either side in the internal administration of the other.
5. Hon'ble Mr. Mahtab assured H. H. the Chancellor that he has no desire or intention to pursue what are said to be the charges made by him against H. H. Patna.

6. Mr. Mahtab promised to prepare his detailed proposals on the aforesaid lines and kindly to send them to H. H. the Chancellor, who would then be in a position to try and help.

Letter dated the 19th December 1946 from the Hon. Sri H. Mahtab, Camp: New Delhi, to H.H. the Nawab of Bhopal, Chancellor of the Chamber of Princes, Bhopal.

“Many thanks for your letter dated the 15th December and its enclosures. I shall send you my detailed proposals on the lines indicated in the proceedings of our discussion as soon as I return to Orissa after consultation with all my colleagues.

“With regard to item No. 5 of the note of our discussion I hope you will not please mind my reminding you that you agreed to write to the Maharaja of Patna requesting him not to interfere, directly or indirectly, with the internal problems of our province. I hope he will accede to your request.

“I must go to Bhopal many more times, not only to have close contact with you personally, but also to see some of the ancient relics in which I myself am very much interested. I was so pleased with the working of your Archaeological Department that I was actually desiring to stay on for some days more in order to know the history of some of the relics.

“We had a full discussion with your Minister in charge of Finance and I have requested him to send me a note on the banking he has started in Bhopal. We are to learn many things from your administration * * *”.

Letter dated the 23rd December 1946 from H. H. the Nawab of Bhopal to the Hon. Sri H. Mahtab, Premier. Orissa, Cuttack.

“Thank you very much for your letter of the 19th instant. As promised I have already written to H. H. of Patna on the

lines we had discussed here. Should, on your return to Orissa, you feel the necessity of my writing to him again, please let me know and I shall do so.

It is very nice of you to entertain the opinion, you do, about the administration in my State. I am sure my Finance Minister will send you the note you have asked for * * *.

You are always most welcome to Bhopal. Do please come as often, and for as many days as you can spare. I shall be delighted. With kind regards”.

APPENDIX XIV

D.O. No. 651 G. O.

SECRET

THE GOVERNOR,
ORISSA.

GOVERNMENT HOUSE,
CUTTACK.

My dear Prime Minister,

When we met last, I told you that the Press Report about the resolution of the Rulers of the Eastern States to form a Federal Union of the C.P. and Orissa States was correct. I wonder what are the reasons which have led the Rulers to make this decision. I understood from you that the response of the Rulers of the Orissa States to your letter No. 49(19)/H.P.M., dated the 10th May was on the whole encouraging. In fact you said in your subsequent letter to the Rulers issued sometime in June that the Rulers concerned agreed that there should be mutual discussion on the points raised by you in your first letter. The position now is that they do not appear at all agreeable to a mutual discussion. I wonder whether you have received any replies to your second letter. I am really anxious to know the underlying forces at work. All of us of course appreciate that the question of closer relationship between Orissa and Orissa States is a matter for discussion and settlement and that the States can not repeat can not be compelled in this matter. There is no need for you to send me a written reply to this, but perhaps you will be good enough to think over the matter and let me know about it when we meet next. Frankly I am somewhat puzzled at the development which has occurred and I hope that there is nothing more in it than meets the eye.

Yours sincerely,
Sd.- C. M. Trivedi

The Hon'ble Mr. Harekrishna Mahtab,
Prime Minister, Orissa,
Cuttack.

SECRET & PERSONAL

D.O. No. 528 G. O.

THE GOVERNOR,
ORISSA.GOVERNMENT HOUSE,
PURI,
The 25th June, 1946.

My dear Prime Minister,

You will remember that you asked me to report to His Excellency the Viceroy the upshot of our discussions with Herbert about the question of bringing Orissa Province and the Orissa States into closer relationship with each other. I now enclose for your information a copy of my note to H.E. the Viceroy on the subject. You can certainly mention the contents of the note to our Hon'ble Colleagues for their personal and confidential information, but beyond this it is most undesirable to give the matter further publicity at the present stage. I think Chief Secretary might see the note and put it in his custody.

Yours sincerely,
Sd./- C. M. Trivedi.The Hon'ble Mr. Harekrishna Mahtab, M.L.A.,
Prime Minister, Orissa, Cuttack.

COPY OF NOTE TO H.E. THE VICEROY DATED 24-6-46.

Herbert came to Puri on the 20th and stayed here till the 21st. Both Mahtab and I had lengthy discussions with him jointly as well as individually on the question of bringing the Orissa States into closer relationship with the Orissa Province. I gave Herbert three memoranda setting forth respectively—

- (1) the basic facts demonstrating the economic, cultural and geographical unity of the Orissa Province and the Orissa States ;

- (2) the very considerable administrative difficulties felt under the present arrangements ;
- (3) the impossibility of full and co-ordinated industrial development of Orissa Province and Orissa States without the closest connection between the two.

I think Herbert at once appreciated our position that economically, culturally and geographically the Orissa Province and Orissa States form one unit. Both Mahtab and I placed before Herbert the proposition that in the mutual interests of the Province as well as the States, the best solution was one administration for the whole area. If that solution was accepted by the States, provision could be made for—

- (a) preservation of dynasties of Rulers ;
- (b) guarantee of their privy purses ;
- (c) representation of the Rulers as such in a common legislature ;
- (d) representation of Rulers in a common Cabinet;
- (e) the establishment of a convention that no law passed by the common Legislature could be applied to a State without the formal consent of the Ruler concerned, it being understood that such consent would be forthcoming ;
- (f) retention of each State as a unit in the administrative system.

Herbert appears to agree with us that this was the best solution, though he naturally made it clear that this was a matter entirely for decision by the States. Both Mahtab and I suggested to Herbert that if the Political Department were in agreement with our view that the single administration was the best solution, it would not be too much to ask them to use their good offices with the Rulers in this matter leaving of course the decision to be made by the Rulers themselves. Herbert promised to bear this point in mind. The solution which we put forward would, if accepted, come into force only on the inauguration of

the new Constitution. In the meanwhile, we suggested that in order to overcome administrative difficulties which are arising today in the normal course of administration a Standing Council consisting of representatives of the Province and the Rulers should be set up to discuss and adjust difficulties as they arise from time to time. Herbert also seemed to be in agreement with our suggestion for the interim period. Our discussions with Herbert were most useful. I believe he was impressed with the reasonable attitude of Mahtab over this whole question. Herbert has now gone to Calcutta and will acquaint Todd, the Resident, with the results of our discussions.

The plan at present is that the Rulers are meeting among themselves at Calcutta on or soon after July the 8th, and that thereafter there should be a meeting between the representatives of the Province and the Rulers. I am personally satisfied with our discussions with Herbert and am most grateful to Your Excellency and Corfield for sending him over here.

I am not sending you copies of memoranda referred to above as I do not wish that you should be worried with details. As stated above, Herbert has been supplied with copies.

SECRET

D. O. No. 543 G. O.

THE GOVERNOR,
ORISSA.

GOVERNMENT HOUSE
PURI

The 28th June, 1946.

My dear Prime Minister,

Will you kindly refer to my D. O. No. 528 G.O. dated the 25th June, 1946 on the question of bringing the Orissa Province and the Orissa States into closer relationship with each other ? Personally I feel somewhat worried about the publicity given to this matter in the Press, and I am not at all sure that the Rulers

would not feel alarmed. I note that in the Press the proposal is still being described as amalgamation of Orissa States with Orissa Province, whereas what we are aiming at is a single administration while retaining the States as units. The publicity in the press also does not stress, or even in some cases mention, the several safeguards which we propose, to make the scheme acceptable to the Rulers. You yourself are a very experienced public man to appreciate that when delicate negotiations are in progress premature publicity does more harm than good. You will remember that Herbert mentioned to us the flood of telegrams of protest received by the Political Department and the Cabinet Mission when the Utkal Provincial Congress Committees' pamphlet was published.

2. You know that I never take an alarmist view of the situation, but I did not think it necessary to bring these matters to your notice. We will discuss this when we meet tomorrow at Puri.

Yours sincerely,
Sd/- C. M. Trivedi.

The Hon'ble Mr. H. K. Mahtab, M.L.A.,
Prime Minister, Orissa, Cuttack.

CONFIDENTIAL

D.O. No. 589 G.O.

THE GOVERNOR, ORISSA. GOVERNMENT HOUSE,
CUTTACK.
The 12th July, 1946.

My dear Prime Minister,

In continuation of our conversation on the 10th evening regarding the closer relationship of Orissa with Orissa States, I write to let you know that I had a conversation yesterday with Carter, who is Inspector-General of Police and Police Adviser to the Eastern States Agency. His own personal view is that one administration for Orissa and the Orissa States is by far the

best solution. He fears however that the recent public utterances on this question in Orissa have, far from doing any good, caused a certain amount of harm, in that misapprehensions have grown in the minds of some Rulers. This only confirms what we settled in our talk, namely, that for the time being the less we say publicly about our move, the better.

Yours sincerely,
Sd/- C. M. Trivedi.

The Hon'ble Mr. H. K. Mahtab,
Prime Minister, Orissa, Cuttack.

CONFIDENTIAL

D.O. No. 635 G.O.

THE GOVERNOR, ORISSA. GOVERNMENT HOUSE,
CUTTACK.

24th July, 1946.

My dear Prime Minister,

As you know, reports have appeared in the Press regarding the deliberations of the Conference of the Rulers of the Eastern States at Calcutta. I have asked the Hon'ble the Resident to let me know what the facts are. In the meanwhile, I would repeat what said before, that we should keep mum over this affair for the present. I understand that the Rulers of the Orissa States are aggrieved about the manner in which they feel that pressure is being brought on them to enter into closer relationship with the Province. I myself have not heard of the concrete instances of such pressure. I presume they refer to the conference of the workers of Orissa States held in Cuttack last month and also to some of your utterances.

Yours sincerely,
Sd/- C. M. Trivedi

The Hon'ble Mr. H. K. Mahtab,
Prime Minister, Orissa, Cuttack.

SECRET

The Hon'ble Mr. H. J. Todd, ICIE.,
Resident for the Eastern States.
D.O. No. C. 30-13/46.

“STONYLANDS”,
CAMP SHILLONG.
The 1st October, 1946.

My dear Trivedi,

The Committee of Rulers appointed by the Chhatisgarh and Orissa States Rulers to develop their proposal for a Federal Composite Unit of their States recently met in Riapur and there considered a personal letter I had written to them again strongly advising them to make early personal contact with Mr. Mahtab.

2. The Chairman, The Raja of Saraikella, writes to me to say they now agree with my views and would like me to arrange a purely informal meeting of the Maharajas of Patna and Sonapur with Mr. Mahtab on the occasion of Mahanadi River Valley conference which they say is to take place at Sambalpur this month and at which Mr. Mahtab is expected to be present.

They suggest that Bedi, the Political Agent, might invite them all to tea one afternoon where they could exchange views. They consider that meeting “should be very informal in its nature and should take place on the understanding that no publicity of any kind be given to it by either side”.

3. I think this will start the ball rolling and if you agree perhaps you could let Mr. Mahtab know of the proposal confidentially so that he can, if possible, arrange to be in Sambalpur, if such a conference is taking place. The great thing is to avoid all publicity and keep this first meeting to amiable, exploratory talk to get to know each other and different points of view.

I am asking Bedi to arrange accordingly.

4. I hope to be able to run down to Cuttack to see you about the last or 2nd November if that would be convenient.

Yours sincerely,
Sd./- H. J. Todd.

His Excellency Sir Chandulal Trivedi, KCSI, CIE.

SECRET & PERSONAL

D. O. No. 1116 G.O.

THE GOVERNOR, ORISSA.

GOVERNMENT HOUSE,
CUTTACK

The 5th December, 1946.

My dear Prime Minister,

I enclose for your own personal information a copy of letter which I have received just now from Todd. I have not yet had time to revolve it in my mind, but I hope to be able to speak to you briefly about it when we meet this morning.

Yours sincerely,
Sd./- C. M. Trivedi.

The Hon'ble Mr. H. K. Mahtab,
Prime Minister, Orissa.
Cuttack.

TOP SECRET

No. 753T/46.

Camp : Raj-Athgarh,
The 4th December, 1946.

My dear Trivedi,

Some of the States bordering on Cuttack are seriously perturbed over the violent anti-State propaganda that is being preached within and without the States by political agitators. Most of these subversive agitators are State subjects and work within the State; but they proclaim their allegiance to the All-India Congress Party and they are undoubtedly being encouraged and probably financed from without. As you know Mr. Sarangadhar Das, who is, I understand, an M.L.A. of Orissa,

has been making wide tours in all the Orissa and Chhatisgarh States addressing meetings advocating complete submersion of the States within Orissa and preaching virtual extinction of the Rulers. He has endeavoured to form Prajamandals in all States and Mrs. Malati Choudhury, the wife of one of the Orissa Ministers, has also considered it her duty to address meetings in the States and press the people to form themselves into Prajamandals.

2. The States today can have and do have, no objection to their own subjects agitating as Prajamandals or otherwise in a constitutional manner for reforms, but some of the violently disruptive things now being said by the more irresponsible and unrestrained Prajamandalists, exceed the bounds of all constitutionalism and are only calculated to rouse hatred, frenzy and disorder. In some of the States there is a large proportion of loyal subjects who are becoming more vocative in defence of their ruling families and who deeply resent some of the outrageous statements made by the professional agitators. It is not enough for the Prajamandalists to sneer at these loyalists as merely a few paid minions of the Rulers.

3. In Ranpur State, for instance, which has long been under management and where there are few serious grievances, these agitators, encouraged by speakers from Orissa, have been holding particularly against the *Rajmata*, who is an intelligent, responsible lady, who takes a keen interest in social services and is desperately anxious to see peaceful progress in her minor son's State.

At a largely attended meeting recently organised at Chandipur in the State and attended by many people from Orissa the main purpose was to extol the martyrdom of the convict hanged in the Bazalgate murder case, and then passing on to an attack on the ruling family—and of course the Political Department. The latter I can sustain, but some of the speeches—although there is no verbatim report—appear to have been bare-faced incitements to violence in support of complete amalgamation with Orissa.

4. In Nayagarh the speeches seem to have been even more violent. The Raja is weak enough but I have never heard any fair complaints of his oppression and tyranny—in fact at present he is eager to be guided by his Council and to introduce suitable reforms.

At a recent Prajamandal meeting in the State such expressions were used as, “The Raja is sucking the blood of the tenants and it is better that they should follow the motto ‘Kill or die’”.

“Those who suck our blood we must suck their blood in return. Our demand is to ‘Quit Gaddi’”.

“When Major Bazalgate died at Ranpur innocent persons were hanged. The then Viceroy Lord Linlithgow did nothing when famine broke out in Orissa and lacs of people died of starvation for which the *Chor* British Government was responsible”.

A misguided Bhuyan aboriginal who was imprisoned in 1942 got up in an excited manner and gave expression to “I, with some Khonds, burned State buildings in 1942. The Raja has started a counter Prajamandal. Beware Raja. I am prepared to suck fresh blood. I am the same Bhuyan who was imprisoned and am not still afraid of jail”.

In some areas it is reported that the agitators are starting their own Panchayats, trying cases and fining people.

5. All this is producing an explosive atmosphere and no self-respecting administration with any sense of its responsibilities can be indifferent. Should clashes occur it is of course only the poor and misguided who suffer as, in Bengal and Bihar.

The Nayagarh Darbar is considering taking action against some of the more violent agitators and placing restraint under section 144 Cr. P.C. on meetings and speeches.

I am writing this to you not only to keep you in picture but hoping that you may be able to secure your Ministry's abstention from any support to the violent agitation, and, in particular, if the Nayagarh Darbar takes action against any of

its subjects, or excludes outsiders who come merely to stir up trouble that you may be able to prevent Orissa being used as a base for disorderly incursions into the State.

6. When I spoke to Mr. Mahtab in Cuttack he assured me that such violent propaganda was definitely forbidden at this stage by the Congress High Command and he declared that he would do his best to see that Orissa encouraged no such incitements to violence.

I do not know what his attitude to the Princes Protection Act is but I saw in the 'Hindu' the other day that the Madras Government recently passed an order under section 4 of the Act in Malabar which seems to indicate that some Congress Governments do not favour the use of their jurisdiction as a base for propaganda against and incursions into States. From what I gathered of Mr. Mahtab's views I am encouraged to believe that he will be of the same view.

7. I know his suspicions of the Maharaja of Patna over the Hirakud agitation but I think when I meet the Maharaja at our Rulers conference on December 21st I shall be able to ensure that he keeps the promise he had already made to extend no encouragement to unconstitutional agitation and certainly to permit none of his subjects to participate in it. There also seems every chance of the riparian States agreeing to raise no objections to the Hirakud Project and indeed the majority have already approved.

It seems of vital importance therefore to do our best to see that no subversive campaign gets under way which will only thwart our hopes of peaceful co-operation between States and Province.

I shall be very grateful for any assistance you can give in this matter.

Yours sincerely,
Sd./- H. J. Todd.

His Excellency Sir Chandulal Trivedi,
K.C.S.I., C.I.E.,
Governor of Orissa.

THE GOVERNOR ORISSA.

D.O No.. 560 G.O.

GOVERNMENT HOUSE

PURI

The 28th May, 1947

My dear Prime Minister,

Please refer to paragraph 2 of my D.O. number 563 G.O. of the 22nd May which was a reply to your D.O. NO. 2650/H.M.P. of the same date on the question of the relationship between ourselves and the Orissa States. I discussed the matter with you and I have written to H.E. the Viceroy. As you know, I do not keep anything from you and I therefore enclose for your personal information a copy of that letter. I hope I have put the case for us effectively. I could have said a lot more and could have criticised the Political Department and Todd, but it is expedient to use restraint. If you think that I have left out any points please let me know by return of post so that I can send a supplementary letter.

Yours sincerely.

Sd./- C. M. Trivedi

The Hon'ble Mr. H. K. Mahtab. M.L.A..

Prime Minister, Orissa.

D.O. No. 559 G.O.

THE GOVERNOR ORISSA.

GOVERNMENT HOUSE,

PURI.

The 28th May, 1947.

My dear Sir John,

This is in continuation of my telegram No. 55-S of the 22nd May on the question of the withdrawal of the Political Agent, Orissa States, from Sambalpur from 1st July next. I have had now a letter from Harvey to say that he had already written on the 16th May to the Political Department suggesting that the Political Agent should be retained, and that he is again writing to them answering some of the objections raised against the proposal by the Political Department.

2. Ever since Mahtab came to know about the proposed withdrawal of the Political Agent, he has been urging me to represent the matter to the Crown Representative, even officially if necessary. I have informed him that a personal approach to H. E. the Viceroy in his capacity of Crown Representative is more effective method of representing our case. The question is not merely one of retention of the Political Agent at Sambalpur but of arriving at suitable arrangements on matters of common concern between Orissa and the Orissa States before paramountcy lapses. I quote below extracts from a letter from Mahtab to me :

“The more I think of the problem of the States and the condition of the present period of transition, the more I am convinced that the Political Department should continue to function till some definite arrangement is made between the States and the Province on all common matters. I do not think a liaison officer can help the situation very much. The question is, who will give direction to the States to carry out certain things? I think, everybody will admit that the administration board set up by the Ruler will not be able to carry out even a single item of many of their decisions and I doubt very much if they can come to any decision at all. Even today all decisions of the Rulers are really the directions of the Political Department. Even the election of members to the Constituent Assembly is being held under the direction and supervision of an officer of the Political Department. This Political Officer is looked upon with suspicion by the Rulers. Left to themselves, the Rulers probably would not hold any election, or if they do they would do it in a most unsatisfactory manner. So far as I realise, unless there is some authority to give directions to the Rulers, I do not think they will convert themselves into constitutional monarchs. It is for, this reason, I think, we should approach the Crown Representative with the request that he should bring about an agreement between the States and the Province before taking steps to wind up the Political Department. Lord Mountbatten is said to be making arrangements

for handing over power to the Indians before June, 1948, and so far as this Province is concerned the first arrangement that has to be made is to bring about an agreement between the States and the Province.

“The history of the Orissa States is that they were never States. In the beginning, the Revenue Commissioner was the Superintendent of the Tributary Mahals and even the District Officer used to exercise some control over these States, as Assistant Superintendent of Tributary Mahals. In 1919 along with the Montford Reforms the control of the States was taken over by the Governor-in-Council. It was only in 1935 the control was taken over by the Crown Representative and the present Political Department was created and it is known to every body that this change created a lot of complications in the relation between the States and the Province. It is an admitted fact that some control must be exercised on these States and it is for that reason I pressed before the Cabinet Mission that the States and the Province should be brought under one common administration. But since these Tributary Mahals are called States, they are wrongly included in the list of other big States which are really States. It seems to me even today we can argue with the Crown Representative and the British Government to make a distinction between the other States and the Orissa States, or at least we should press for some agreement before the control is lifted altogether. Unless there is some agreement, I am sure there will be absolute confusion and the Provincial administration will suffer to a very great extent”.

3. I think it is quite out of the question to make a distinction between the other States and the Orissa States. However petty they are, they must be treated on the footing of States, but I agree with Mahtab that it is most important, both for Orissa and the Orissa States, to arrive at agreements on matters of common concern as soon as possible.

4. The question of the closer relationship between Orissa and Orissa States has been worrying me a good deal ever since I came to Orissa in April, 1946. It has been mentioned by me

ad nauseum in my fortnightly reports to His Excellency the Viceroy. Economically, geographically and culturally Orissa and Orissa States form one unit. Out of the 24 States, 22 have a common frontier with Orissa Province, and Angul Sub-division and the Sambalpur district actually form islands of British Orissa surrounded by some of these States. As early as May, 1946, largely as a result of Mahtab's talks with Sir Stafford Cripps and Corfield, the Political Department asked the Resident, Eastern States, officially to get into touch with me and try to ask for a committee of Rulers to meet suitable Provincial representatives as soon as possible in order that both parties can exchange views and face up to practical issues. A certain amount of spade work was done in the month of June, and at my request, Herbert, who was then an Officer on Special duty in the Political Department, visited me at Puri. We have had full discussions and the proposition which we put to him and which he regarded as reasonable was that both Orissa and Orissa States should have a common administration. Subsequently the Rulers decided to form a Federal Union of Orissa and Chhatisgarh States, and up-to-date the Resident has not been able to arrange a meeting between the representatives of the Provincial Government and the States concerned. It is unnecessary to go into the reasons for this. There has been a certain amount of suspicion among the Rulers about the Political Leaders of Orissa. For a long time the future of the Cabinet Mission's plan has been uncertain and until the announcement of the date of withdrawal in February, 1947, there has been very little sense of urgency, on the part of the Rulers. That lack of sense of urgency may also have been shared by Todd. Added to this is the undoubted fact that the majority of Rulers of the Orissa States are not at all progressive. They still live in a feudal or semifeudal atmosphere and seem to think that they can continue more or less in the State. At the present moment some of them feel themselves quite high and mighty because paramountcy will be withdrawn in June, 1948. Little do they realise that unless they are progressive and become constitutional Rulers there is no hope for them in the future. I feel in the

period from now till June, 1948 the Political Department should definitely use their good offices to impress on the Rulers that their future lies in reforming themselves. We want stability not only in Orissa but in Orissa States also. Lack of stability in Orissa States is bound to affect us in view of the fact that, as stated above, they and we form one unit.

5. There are many matters of common interest which it is absolutely essential to tie up between ourselves and the Orissa States well before June, 1948. There are extradition, jurisdiction over Railway lands, Communications, Excise, Education and Public Health and Economic development generally. I had always been told by Lord Wavell and the Officers of the Political Department that the good offices of the Department are always available for effecting suitable arrangement between the States and the neighbouring Provinces. This is also in accordance with the last sentence of paragraph 4 of the Memorandum on State Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes, on the 12th May, 1946. On behalf of the Provincial Government I now request Your Excellency not only in your capacity of Crown Representative but also that of Governor-General to help us through the Political Department in arriving at agreements in matters of common concern between ourselves and the Orissa States. On our part we are prepared to pursue the matter with the greatest possible speed. I am sure the same is the feeling of the Political Department and I do hope that Department will impress on the Rulers a sense of urgency in the settlement of these matters. The first step is the calling of a meeting between the representatives of the States and those of the Provincial Government, and I am glad that Harvey, to whom I have spoken, is agreeable to the proposal for such a meeting. The retention of the Political Agent at Sambalpur is, I feel, one of the measures that will facilitate agreement between ourselves and the States. We do want a link located in the Province. Last year when Calcutta was faced with the Postal strike and communal troubles, I was

literally cut off from the rest of India, including Calcutta, and even Postal and Telegraphic communications could not get through to Calcutta. There may be similar troubles in Calcutta and I do not want to be deprived of a local link and thus losing valuable time. It is the concern of us all to effect a smooth and peaceful transfer of power. Situated as the States, and ourselves are in this part of the world, peace, stability and good Government in Orissa depend a good deal on arriving at satisfactory arrangements or understandings with neighbouring States.

6. It will be seen that I view the problem not merely as one of retention of the Political Agent but fundamentally is one of arriving at arrangements between ourselves and the States. It is possible that with the best will in the world arrangements may not have been finalised by June, 1948. We shall, therefore, want a standstill arrangement also.

Some of the matters of common concern raise issues not peculiar to Orissa and the Orissa States alone. These are matters of All India concern, like extradition and jurisdiction over Railway lands, and I am sure that these will be tied up in close consultation with the States and the Political Department on the one hand and the various Departments of the Central Government on the other.

Yours sincerely,
Sd./- C. M. Trivedi.

His Excellency

The Right Hon'ble Sir John Colville, G.C.I.E., T.D.
Viceroy and Governor-General of India.

PERSONAL & SECRET

D.O. No. 583 G.O.

Government House, Puri.

GOVERNOR, ORISSA.

The 2nd June, 1947.

My dear Prime Minister,

I enclose for your information a copy of a letter which I have addressed today to the Resident. It is intended as a feeler. I would like to talk to you about this when we meet next.

Yours sincerely,
Sd./- C. M. Trivedi.

The Hon'ble Mr. H. Mahtab, M.L.A.,
Prime Minister of Orissa.

SECRET

D.O. No. 582 G.O.

Government House, Puri.

The 2nd June, 1947.

My dear Harvey,

You will remember that when you were at Puri I had a brief talk with you about the proposed Federal Union of Orissa and Eastern States. The Union, if it materialises, will no doubt be a sizeable one with a revenue, I am informed, of about Rs. 4 crores (or is it 8 crores?). What I am wondering, however, is whether the union will have internal cohesion. If it lacks this cohesion, whatever the size or the revenue, the union will not in actual practice function properly. The Orissa States have a natural affinity with Orissa and, as stated in certain papers which I gave you for perusal, both Orissa and Orissa States form one unit geographically, culturally, linguistically and economically. When we turn to Chhattisgarh States the position is different. The people of the majority of these States speak Hindi or Chhattisgarhi. Their literature is therefore different from that of Orissa and the Orissa States. Although it is true to say that the culture in Orissa, Orissa States and Chhattisgarh States is Hindu culture, there are local variations in Chhattisgarh States. Economically the Chhattisgarh States, at any rate the vast majority of them, have economic ties not with Orissa States or Orissa, but with the Central Provinces. These

ties are no more accident and cannot easily be severed or replaced by other ties. The Chhattisgarh States are by their geographical location bound up with 3 or 4 districts of the C.P. namely, Raipur, Bilaspur, Drug and possibly with Gondia in the Bhandara district. I fully accept the proposition that it is for the States to work out their own future and to decide for themselves what they will do, but, as you know, the majority of the Orissa States at least have Rulers who are not progressive and do not look farther than their nose. Being petty and narrow-minded, they probably do not realise where their true interests lie. I feel it is up to the Political Department to tell them whether in their considered judgement a Federal Union of Orissa and Eastern States will have the necessary internal cohesion and stability. Personally, I have no axe to grind, though my Ministers would no doubt prefer arrangements for a common administration of Orissa and Orissa States, or some other similar arrangement, to a federal union of Orissa and Chhattisgarh States. An unstable federal union would do no good to the people either of Orissa States or Chhattisgarh States, and that after all is the fundamental test.

The object of this letter is not to make any proposal of any sort but to invite you to consider, if you have not already considered, whether this proposed federal union is really a good proposition or whether by its very nature it does not contain in it seeds which will make for disunity and disruption. The fact that there is an Eastern States Agency comprising *inter alia* of both Chhattisgarh and Orissa States of course proves nothing. It is a purely *ad hoc* administrative arrangement and does not go to the root of the matter.

Yours sincerely,
Sd./- C. M. Trivedi.

The Hon'ble Lt. Col. C. W. L. Harvey,
C.I.E., O.B.E., M.C.,
Resident for the Eastern States,
Hastings House, Alipore,
Calcutta.

SECRET & PERSONAL

THE GOVERNOR,
ORISSA.

Government House,
Puri

D.O. No. 635 G.O.

The 16th June, 1947.

My dear Prime Minister,

Please refer to my D.O. No. 583 G.O. of the 2nd June with which I enclosed a copy of my D.O. No 582 G.O. of the same date to the Resident on the question of the proposed Federal Union of Orissa and Eastern States. I have now received a reply from the Resident, of which I enclose a copy for your own personal information. I would like to discuss this with you some time.

Yours sincerely,
Sd./- C. M. Trivedi

The Hon'ble Mr. H. K. Mahtab, M.L.A.,
Prime Minister of Orissa,
Cuttack. _____

Copy of Secret D.O.No.C.30-13/46P, dated the 13th June 1947, from the Hon'ble Lt. Colonel C. W. L. Harvey, CIE., OBE., MC., Resident for the Eastern States, Hastings House, Alipore, Calcutta, to His Excellency the Governor of Orissa.

Thank you for your demi-official letter No. 382 G.O., dated the 2nd of June 1947 with your views on the proposed Federal Union of the Orissa and Chhattisgarh States. As I have mentioned in another letter to you today, if it is true that Dominion Status will be announced in August next, presumably Paramountcy lapses then and I fear there is now no time for me or any other Political Officer to do anything beyond closing down our offices ! We certainly could not influence the Rulers to any appreciable extent in the short time left to us. The march of time has overtaken us and them and it is for them now to work out their own salvation.

2. I agree with you that the present arrangements under which both the Chhattisgarh and Orissa States are administered under the Eastern States Agency has been mainly one of administrative convenience. I suggest, however, that the Rulers of

the Orissa and Chhattisgarh Agencies are not holding together for that reason but because of the conflicting ideals and methods of government which have existed so long between the Rulers of the Indian States and British India, and because, in the Eastern States in particular, the Rulers believe that united they can present a strong front to such attacks as are being made on them by Mr. Mahtab and other politicians in India. When I saw you in Puri, I suggested that his methods, however right they may eventually turn out to be, were not suited to immediate circumstances. The Orissa States, even without the Chhattisgarh States believe themselves to be strong, particularly with their potential mineral wealth and will not at the moment respond to suggestions that they should come 'under' the Orissa Government. With the added strength of the Chhattisgarh States, they are not likely to change this outlook. Moreover it is quite natural, I suggest, for both the Orissa and Chhattisgarh States to hold together for as long as possible, and if this premise is accepted, at any rate for the moment, then any approach to the States would be more likely to be acceptable if based on equal co-operation. Mahtab's correspondence with His Highness of Bhopal implies that certain subjects should be 'taken over' by the Provincial Government, that States should send representatives to the Provincial Assembly; and that they should make financial contributions to the Provincial centre for joint benefits. In none of this is there any indication of "equal partnership"—and of course no reference has been made to the position of the Rulers themselves. Continued hammering on these lines, will, I am convinced, produce no peaceful solution. and if internal disorder in the States is to be avoided, I suggest that the experiment of trying to come together on an "equality basis" should first at any rate be given a trial. In the confusion of the tremendous political upheaval now going on in India, too violent or one-sided an attack on a large group of States such as exist in the Eastern States Residency seems to me to be extremely dangerous.

If I see you in the near future, perhaps we can discuss this further.

CONFIDENTIAL

Government House, Cuttack.

The 16th July, 1947.

D.O. No. 726-G.O.

My dear Prime Minister,

I enclose for your information a copy of a letter which I have written today to Mr. V. P. Menon, Secretary of the States Department.

Yours sincerely,
Sd./- C. M. Trivedi.

The Hon'ble Sri H. K. Mahtab,
Prime Minister of Orissa,
16-D. Ferozeshah Road,
New Delhi.

CONFIDENTIAL

GOVERNOR, ORISSA.

D.O. No. 725 G.O.

Government House,
Cuttack.

The 16th July, 1947.

My dear Menon,

Will you kindly refer to the Political Department letter No. F. 46-R (S)/47, dated the 14th June 1947, on the subject of the formula for Standstill Arrangements on the lapse of Paramountcy? I wish to raise the following points for the consideration of your Department.

1. Jurisdiction over Railway lands—I am not certain whether this is covered by Item 12—Railways—in the Schedule to the letter. The doubt in my mind is reinforced by proviso (c) to sub-clause (3) of the draft standstill formula. If my doubt is valid, the standstill arrangements should cover jurisdiction over Railway lands. As you know, the jurisdiction of the Crown Representative in the Railway lands in States is derived from the Foreign Jurisdiction Act, 1890, and the various

Orders-in-Council issued thereunder, the latest being, I am told, the Indian (Foreign Jurisdiction) Order-in-Council, 1937. In notification No. 209 I.B. of the 17th June 1939, the Crown Representative conferred jurisdiction on several courts in British Orissa over the Railway lands in Orissa States. These powers were exercised by the Crown Representative by virtue of the Paramountcy of the Crown over the States, and with the lapse of Paramountcy, the powers will cease. I suggest that the simplest solution is for the States to surrender to the Provincial Government those powers which they had surrendered to the Crown in respect of those lands. The question is one of very great importance from the point of view of the control of crime.

2. Extradition—This is not mentioned specifically in the Schedule, and I do not know if it can be said to be covered by the omnibus item 16—any other subject involving matters of common concern. Extradition from British India to Orissa States is governed by the Indian Extradition Act, 1903, which is a Central Act. Section 7 of that Act deals with the procedure in respect of extradition offences and section 9 with the procedure in regard to non-extraditable offences. So far as extradition offences are concerned, a warrant can be issued only by the Political agent, but as regards non-extraditable offences, the requisition from an Indian State may be sent direct to the Central Government if there is no Political Agent for the State. It follows that with the lapse of Paramountcy and the consequential abolition of the office of the Political Agent, Sambalpur, there will be difficulty regarding extradition offences unless the Act is amended. I had a brief discussion with Corfield on this point when I was at Delhi last, and he informed me that proposals for the amendment of the Extradition Act were ready but my point is that the lacuna has to be filled up before the 15th August.

There is no law on the subject of extradition to British India from Orissa States, and I understand that this matter is governed by the terms of the Treaties or Sanads with individual

States. Formerly, in the Sanads granted to the Orissa States, an express provision was inserted to the effect that the State should deliver up any offender from the British or other territory who may take refuge in the State. This provision was omitted when the Sanads were revised in 1936, and the matter is now left entirely to the discretion of the States authorities subject to such advice as may be given to them by the Paramount Power. The Political Agents were guided by paragraphs 62—66 of the Manual of Instructions to the Officers of the Political Department, according to which a demand for extradition has to be accompanied by a copy of depositions, or, where no evidence is taken, by a statement of information on which the arrest of the offender is deemed necessary, and the demand has to be made through the Political Agent. With the lapse of Paramountcy I would suggest that Provincial Governments should, by arrangement with the State concerned make demands for extradition direct to the State authorities with due regard to the instructions contained in the Manual of Instructions referred to above.

3. **Food Control**—I presume this is covered by item 3—Control of Commodities—in the Schedule. What I would like is to explain the present position here. The Resident of the Eastern States whom the Orissa States have delegated their powers of control over commodities has permitted our District Magistrates to control the export of food grains from the railway stations within the States. This control by our District Magistrates is absolutely essential to prevent smuggling, and should, I suggest, continue.

The States have also delegated to the Residents power to control prices and distribution of food grains within the States. On the basis of this delegation, the Resident has been controlling the food policy of the States on lines generally consistent with the All-India Food Policy. Here again, although the Resident will go on the 15th August, ways and means must be devised to ensure that the food policy of the States is consistent

with All-India Food Policy. I imagine that the Food Department of the Government of India must have been seized of this aspect of the case.

We have bargaining power in this matter since cloth, sugar, wheat and wheat products are supplied to the Orissa States from British India.

4. **Boundary disputes**—At present boundary disputes between the Province and the States are determinable by the Crown Representative acting with the concurrence of the Governor-General. When Paramountcy lapses, some other arrangements will have to be made to settle boundary disputes. Several such disputes between the Provincial Government and the Orissa States are pending at present.

5. In this letter I have touched upon matters which appear to be the concern of the Central Government. There are several other matters of only Provincial concern which have to be tied up between the States and ourselves. This we hope to do in due course. I took up this matter shortly after I came to Orissa, but the Political Department has up-to-date given me practically no assistance, and it looks as if we shall have to fend for ourselves, though I am sure we can rely on the support of the new States Department.

I am sending a copy of this letter to my Prime Minister who is at Delhi, with the request that he may, if he so wishes see you about this case.

Yours sincerely,
Sd./- C. M. Trivedi.

Rao Bahadur V. P. Menon, C.S.I., C.I.E.,
Secretary to the Government of India,
States Department, New Delhi.

GOVERNOR, ORISSA.
D.O. No. 732 G.O.

Government House, Cuttack,
The 18th July, 1947.

My dear Prime Minister,

Please refer to my D.O. No. 690 G.O. of the 2nd July with which I enclosed a copy of my letter No. 689 G.O. of the same date to the Resident, Eastern States. I have now received his reply of which a copy is enclosed for your information. I do not regard the resultant position as unsatisfactory. I am quite sure in my mind that for the time being at any rate, the path of wisdom lies in not pressing forward the proposal for a common administration between Orissa and Orissa States. If we press this, there are sure to be needless trouble and difficulties. Our aim, I suggest, should be to arrive at suitable arrangements in matters of common concern with the Orissa States through the Federal Union, or/and with the assistance of the new States Department of the Government of India. In my opinion taking any other course, is not, in the present circumstances, realism.

You will doubtless gather quite a lot of information about the general position of the States while you are at Delhi. If there is anything of interest to me here, you will doubtless communicate with me, as I do with you.

Yours sincerely,
Sd./- C. M. Trivedi.

The Hon'ble H. K. Mahtab,
Prime Minister of Orissa,
16-D, Ferozeshah Road, New Delhi.

Copy of D. O. letter dated 15-7-47 from the Hon'ble Lt. Col. C. W. L. Harvey, CIE, OBE, MC, Resident for the Eastern States, Hastings House, Alipore, Calcutta, to His Excellency the Governor of Orissa.

Will you kindly refer to your demi-official letter No. 689 G.O. dated the 2nd of July ?

2. You may have already seen in the papers that the 39 Eastern States in the Orissa and Chhattisgarh Agencies have unanimously decided to form a Union. I enclose a copy of the Press Note issued by the Rulers after the Conference. Agreement was not achieved very easily—the Conference sat for 4 days and on two days up to 8-15 P.M. ! The result however will, I hope, be worthwhile as the Union of the Eastern States is now an accomplished fact.

3. I will now refer to the points raised in the 2nd and 3rd paragraphs of your letter. In the last paragraph of the Press Note you will see that the Union “with the active assistance of the constitutional bodies now to be set up, will, in its relations with the Government of India and Provincial Governments, be able to give and receive the largest possible measure of co-operation in matters of mutual interest.”

4. As regards the standstill arrangements, the Union decided to send its Board of Rulers to Delhi to discuss the standstill arrangements with the Government of India. They have been asked to reach there before the 25th, the date on which the discussions will start, in order that, with other States, they may try to arrive at some agreed approach to the problem. The Board of Rulers consists of :

President	... Raja Sahib of Korea.
Vice-President	... Maharaja Sahib of Kalahandi.
Members	Maharaja Sahib of Patna.
	Raja Bahadur of Daspalla.
	Raja Sahib of Gangpur.
	Raja Sahib of Baudh.
	Raja Bahadur of Khairagarh.
	Raja Bahadur of Sakti.
	Raja Sahib of Kanker.

They have all agreed to reach Delhi by the 21st.

5. The Union has definitely joined the existing Constituent Assembly. They have sent four elected representatives, elected by the peoples of their States, and three nominated representatives. The representatives took their seats in the Constituent Assembly yesterday. Sarangadhar Das is one of the elected members. The elections were well contested and besides the candidates put up under the auspices of the All-India States Peoples Conference, the Rulers themselves put up other candidates. Although the latter were defeated, it was probably due as much to bad generalship as anything else as they put too many candidates into the field and thus split their vote. On the other hand, it is interesting to see that the total number of votes cast for the All-India States Peoples Conference candidates and the total number of votes cast for the Rulers' candidates were nearly equal.

6. I am not sure of the source from which you learnt that some Rulers were thinking of declaring independence. At the Conference, it was abundantly clear that no such idea appealed to the Rulers and certainly no suggestion regarding independence was put forward at all.

7. As regards the Secretariat of the Union, this has been working in Hastings House for the last six weeks and as far as we are concerned we have practically completed the handing over to the Secretariat of the various files and business which concern it. By August the 15th, we shall be able to close the Residency and the Political Agencies at Sambalpur and Raipur.

8. The Union decided that their capital should, at any rate in the first instance be located in the Raigarh State, which is on the Railway and is a very convenient location. The Ruler of Raigarh State has agreed to the capital being placed in his State, and the Union is likely to negotiate for land at Raigarh and for its own jurisdiction over the lands, buildings etc. which will constitute the capital.

9. I am sorry that the Orissa Government are finding difficulty in obtaining answers from the Union Secretariat—if I

can be of any assistance in this matter up to the 15th August please let me know. The Secretariat will continue to function in Hastings House until the 31st of July, when it moves to Raigarh. Its address after the 1st of August therefore will be "Raigarh".

10. The Constitution forming the Union was passed by all the Rulers and authorised representatives at the Conference on the 11th of July. It was then in print (proof). Amendments were made at the Conference and the proof copy has been finalised. The final printed copy will be issued to all States in order to enable them to reproduce the Constitution in their State Gazettes before the 1st of August, the date on which the Constitution will come into force. I will send you a copy of the printed Constitution as soon as it is ready. Finally, each Ruler signed at the Conference an Instrument of Accession binding him and his State to join the Union. A copy of this Instrument I will also send. The Board of Rulers will take the prescribed oath of office at Raigarh on the 1st of August.

11. I should much have liked to have met you once again, but I fear things have moved so fast that this may not now be possible. I presume I shall become a free man after the 15th of August. My present intention is to spend thereafter four or five weeks in India before I finally sail for England at the end of September.

Thank you so much for your kindness to me when I was in Puri.

With kind regards.

SECRET

D.O. No. 812 G.O.
GOVERNOR, ORISSA.

Government House,
Cuttack
The 22nd August, 1947.

My dear Prime Minister,

I have been reading during the last two or three days papers about the Orissa States in their relation to Orissa. It appears that most of the correspondence entered into last year and prior to the 3rd of June 1947, is now completely out of date. The Rulers have now formed the Eastern States Federal Union, have entered the Indian Union, and have become members of the Indian Constituent Assembly; and the question in which I find that you have been taking such an intense interest for the last 8 or 10 years will now have to be approached from a different angle altogether. When I wrote my short paragraph in my message to the people of Orissa regarding the Eastern States, I was of course wholly unaware of the history of developments now disclosed to me by these papers. Be this as it may, the matter is of supreme importance, not only to the proper administration of the province but also to its development. I spoke about it also quite casually to Sardar Patel when I saw him in Delhi before coming over here.

I should like very much to discuss it personally with you on any day and time convenient to you.

Yours sincerely,
Sd./- K. N. Katju

The Hon'ble Sri H. K. Mahtab,
Prime Minister of Orissa,
Cuttack.

APPENDIX XV

Minutes of the Seventh Rulers Conference held at the Rajkumar
College, Raipur on the 21st and 22nd December, 1946.

The following attended the conference :—

1. The Raja of Athmallik.
 2. The Raja of Bamra.
 3. The Raja of Baudh.
 4. The Ruler of Changbhakar.
 5. The Ruler of Chhuikhadan.
 6. The Raja Bahadur of Daspalla.
 7. The Raja of Dhenkanal.
 8. The Raja of Gangpur.
 9. The Maharaja of Kalahandi (joined the afternoon
session).
 10. The Ruler of Kanker.
 11. The Thakur of Kawardha.
 12. The Raja Bahadur of Khairagarh.
 13. The Raja of Khandpara.
 14. The Raja of Korea.
 15. The Ruler of Nilgiri.
 16. Maharaja of Patna.
 17. The Raja Bahadur of Sakti.
 18. The Raja of Sarangarh.
 19. The Raja of Seraikella.
 20. The Maharaja of Sonapur.
 21. The Maharaja of Surguja.
 22. The Raja of Talcher.
 23. The Ruler of Udaipur (joined the second day's
proceedings).
- The Rajmata Sahiba of Ranpur.
The Jubraja of Ranpur.
The Jubraj of Seraikella.

The Jubraj of Korea.
 The Jubraj of Sakti.
 The Jubraj of Sonepur.
 The Jubraj of Talcher.
 The Jubraj of Kharswan,
 The Dewan of Surguja.
 The Dewan of Athmallik.
 The Dewan of Kanker.
 The Dewan of Chhuikhadan.
 The Dewan of Khairagarh.
 The Dewan of Kawardha.
 The Dewan of Sarangarh.
 The Dewan of Narsinghpur.
 The Revenue Minister of Tripura (Mr. Guha).
 The offg. Chief Minister of Cooch Behar (Rai Karali
 Charan Ganguly Bahadur).
 The Superintendent of Nandgaon.
 The offg. Dewan of Udaipur (Mr. T. N. Pande).

The following officers other than the Hon'ble the Resident were also present :—

Major F. C. L. Chauncy, Political Agent, Chhatisgarh States.
 Major Baba Daya Singh Bedi, Political Agent, Orissa States.
 Major N. Parker, Assistant Political Agent, Chhattisgarh States.
 Major A. Napier, Secretary to the Hon'ble the Resident.
 A. C. Carter, Esqr., C.I.E., O.B.E., I.P., Inspector General of
 Police and Police Adviser, Eastern States.
 Rao Bahadur M. G. Ghooi, Director of Food Supplies,
 Eastern States.
 Dr. H. F. Mooney, C.I.E., O.B.E., Chief Forest Adviser,
 Eastern States.
 Rai Bahadur S. K. Mitra, Agricultural Adviser, Eastern States.

Opening Remarks :—

After welcoming the Rulers and expressing appreciation of the trouble they had taken in attending the conference, the Hon'ble the Resident, emphasised the importance of the decisions to be taken by Rulers in the very near future, but reminded them that these discussions were purely informal.

The Hon'ble the Resident then expressed the thanks of the Conference to the Rajkumar College Committee and to Mr. Gwyn, the Principal of the College in particular, for so kindly allowing them to use the College for the conference and for all the trouble they had taken to make the necessary arrangements.

To an enquiry of the Hon'ble the Resident, the Rulers said that they had no objection to Dewans of States attending the conference and sitting with the Rulers.

Item 1:—

To hear a report of the Special Committee appointed at the Sixth Rulers Conference on the progress towards the formation of a Federation of the Eastern States.

The report of the Special Committee was taken as read as it had already been circulated to Rulers. **The Raja of Seraikela** explained that due to postal strikes and other disturbances much could not be achieved and the budget of the Special Committee was not ready. The Raja was ready to answer questions.

The Raja Bahadur of Khairagarh asked why the talks that took place between Mr. H. K. Mahtab, Premier of Orissa and certain Rulers should find a place in the report of the Special Committee : the talks had been purely informal and there had been differing versions of what had been said. He thought that to include these talks in the report might later embarrass States, particularly the Chhattisgarh States. He wanted in particular to have paragraph 6 of the report deleted. **The Ruler of Seraikella** explained that the meeting was purely informal; that

Chancellor of the Chamber of Princes had desired them to meet Mr. Mahtab, that no commitments had been made and that any discussions that took place at the informal meeting only concerned the Orissa States. He had referred to them in the Memorandum merely to make it clear to all States in the proposed federation. It was the general sense of the Conference that such contacts should be kept strictly informal and no correspondence or argument need ensue as to any record of such informal talks.

The Raja of Seraikela then referred to the memorandum circulated by the Special Committee and proposed that it should be taken into consideration by the conference.

The Maharaja of Patna seconded this proposal.

The Thakur of Kawardha suggested that each member of the Special Committee, and each Ruler, should submit his views on the memorandum independently and such views should then be considered by a Special Sub-Committee or by a conference of Rulers.

The Ruler of Korea considered that no useful purpose would be served by each Ruler expressing his views on the memorandum and suggested that the conference might proceed with the memorandum after which a drafting committee could proceed to embody the conclusions in a draft constitution for the Union.

The Ruler of Seraikela explained that it was intended to associate non-officials with the drafting of the constitution of the Union. **The Hon'ble the Resident** pointed out that the memorandum was in no way a final commitment; it only gave the constitutional advisers some basis for their draft constitution and that when the draft had been finalised it would be necessary to have a further conference of all Rulers. **The Hon'ble the Resident** emphasised that what was urgently needed was to get something going and enquired whether it could be taken that those Rulers who had not sent any comments to the Memorandum had no comments to make. As 9 Rulers (Baramba, Sakti, Khandpara, Sarangarh., Kawardha, Daspalla, Bamra, Narsinghpur, Naya-garh) had sent comments of whom six Rulers were present at the

Conference, the Hon'ble the Resident suggests that instead of a protracted discussion of their comments at this stage in the Conference the six Rulers might meet the Special Committee at a separate meeting outside the Conference. This was approved.

Discussions then turned to the proposed Baster-Hyderabad iron ore concessions.

The Ruler of Kanker referred to various disquieting rumours that were current and desired the Hon'ble the Resident to allay rumours and apprehensions of some of the Rulers. **The Maharaja of Patna** said that he had raised the question at the meeting of the Chamber of Princes when the question of allocation of industries was being discussed. He understood from the Political Adviser that there was no question of allotting more than one steel industry to the States and that the obvious selection was Hyderabad. He said that it was important to think of the long term benefits of Bastar, and the Eastern States in general and not merely the short term benefits that the Bastar Darbar might derive by leasing out its mineral resources. The Maharaja suggested that the iron industry should be located in Bastar itself when many advantages would accrue to Bastar and to the proposed Eastern States Union.

The Hon'ble the Resident explained the position viz : that Bastar was merely entering into a normal prospecting and mining concessionary agreement with Hyderabad just as if it had been a commercial firm. It was felt that Hyderabad with its vast financial resources and geographical contiguity would be able to start the industry earlier than any one else. Another advantage of the negotiations between Bastar and Hyderabad would be to link up Bastar and the neighbouring States with the industrialised area of Hyderabad. The Hon'ble the Resident dispelled the fears of the Ruler of Kanker about any Political understanding between Hyderabad and Bastar and said there was no question of Hyderabad having any control over the finances of Bastar. The Hon'ble the Resident said that if fantastic rumours were still being circulated he would consider how best to give publicity to a denial.

Item 2 : Recess of the Agricultural Adviser :—

The Chairman of the Board of Forestry and Agriculogy had asked for the inclusion of this item in the Agenda. The suggestion was that the Agricultural Adviser should be allowed to recess for one month at some hill station during the hot weather. The Hon'ble the Resident mentioned other points that would require consideration if the proposal was accepted, viz : a clerk and peons to accompany him, travelling allowance and D. A. at recessing station, etc.

The Raja Bahadur of Khairagarh was not in favour of the concession, as other advisers would wish to be given similar facilities.

The Raja of Baudh said that the matter had been discussed already by the Rulers unofficially and they had come to the conclusion that recess for the Agricultural Adviser should not be admissible. This was agreed to by all the Rulers.

Item 3 : Levy of Income Tax on Zamindari and Khorposhdari properties in States :—

The Hon'ble the Resident explained that representations had been received from certain Zamindars and Khorposhdars protesting against attempts by their Darbars to impose income tax on their Zamindari revenue.

The Rulers point of view was that the takolis and contributions paid by the zamindars and Khorposhdars were only nominal in comparison with their incomes and that it was difficult for Darbars to meet the growing cost of administration from the small amount received from the Zamindars. The Hon'ble the Resident pointed out that any such change would certainly tend to disturb the present basis of the Rulers' relationship with their zamindars, and suggested it might be advisable for them to evolve a common policy. It was already the accepted policy that zamindars should bear a demonstrably fair share of the cost of administration but hitherto such share was calculated according to the circumstances of each case and not on a fixed percentage of income nor on a fiscal enactment.

There might be no objection to an administration levying income tax—agricultural or non-agricultural—and also to taking takoli or cesses, but the question was whether it would be prudent or equitable to impose income tax in addition to takoli and other contributions. If Darbars decided to levy income tax, they would have to permit deductions of all expenses such as schools, dispensaries, roads etc., maintained by the Zamindar or Khorposhdar.

The Ruler of Korea said that in many places the Khorposhdars or Zamindars had no proprietary rights and therefore desired that the words “estates or income” should be substituted for the word ‘properties’ in the heading of this item. He thought the imposition of income tax was justified, both in equity and in law and said that the easiest way to avoid many difficulties would be the imposition of income tax rather than the *ad hoc* raising of takoli or other contributions from time to time.

The Hon’ble the Resident said that a zamindar advised by an expert lawyer might easily evade income tax whereas the contribution levied was subject to no legal query. The Political Agent, Chhattisgarh States, said that five Chhattisgarh States had expressed no views on the proposal as the question did not affect them, five States were not in favour of any change, two had not replied, one was in favour of income tax being levied and one was prepared to do what the others decided.

The Ruler of Baudh said that the matter had been discussed by the Rulers and he proposed the following resolution :—
 “The conference having carefully considered the various aspects of the question of levying of income tax by Darbars on zamindari and Khorposhdari incomes in their States, consider (1) that in equity such an assesment would not be improper wherever Zamindars and Khorposhdars in States were not making a fair contribution from the incomes of their estates to their Darbars for the benefit of administration provided for them by the States (2) that wherever considerations of equity warrant such a change for the purpose of meeting the increasing cost of administration

for the benefit of the community, there could be no legal difficulty in levying it on the ground of want of power or possible criticism that the action of the States was unilateral and contrary to any existing arrangements regulating the relations of the Darbar with their subordinate estate holders as the sovereign rights enjoyed by Darbars provided them with the requisite legal authority to levy such income tax as a public demand, and (3) that the proposed measure was in accordance with the trend of modern public opinion in British India. The Rulers therefore recognize the propriety of the principle of levying of income tax and recommends to the Darbars the desirability of levying it in their States after they have carefully considered the question involved in each case”.

This resolution was accepted by all Rulers.

Item 4 : Police Matters :—

The Raja Bahadur of Khairagarh as Chairman of the Police Advisory Committee pressed for the early transfer of control over the Joint Armed Police and the Inspector General of Police and Police Adviser to the Board. The Hon'ble the Resident explaining the reasons which had delayed the transfer, reminded the Conference that over a year ago he himself had urged the Rulers to set up a C.I.D. so that their police organisation would be complete whereupon he would have the greatest pleasure in recommending transfer of all police matters to the control of their Board. He said that the transfer of all control to a regular Police Board had been accepted in principle by the Crown Representative and the question was now under the most active consideration and every effort would be made to complete all arrangements and to hand over as soon as possible. Meanwhile Hon'ble the Resident favoured the election of a full Police Board forthwith to take over such matters as the C.I.D. and organisation of a Police Training School, which Board would then be ready to take over the Joint Armed Police and Inspector-General of Police Adviser as soon as final arrangements had been completed.

The Raja Bahadur of Khairagarh said that once the States realised that they were running the entire show themselves, all States would show greater interest in Police matters. He said that the general feeling of the Rulers was that all matters under this item of the agenda should be taken up after a proper Board of Control had been established. The Raja Bahadur suggested that there might be a separate Joint Armed Police Advisory Committee for the Eastern States Agency, Joint Armed Police and the Inspector General of Police and Police Adviser with a separate regular Police Board to control the C.I.D., Police Training School, etc.

The Rulers of Korea and Patna agreed with the suggestion of the Ruler of Khairagarh.

The Resident suggested that the Police Board might perform both duties being an Advisory Board temporarily for the Joint Armed Police until they too could be handed over, which he hoped would not now be long delayed. This suggestion was accepted and it was agreed that the Board should be elected before the break-up of the conference.

The Ruler of Seraikella suggested that the new Board should take up such questions as tear smoke, formation of local reserves and equipping the States Police with more modern weapons.

The Hon'ble the Resident assured the meeting that he would do his utmost to expedite the handing over of the Joint Armed Police.

4 (a). Training School for States Police of and above the rank of Assistant Sub-Inspector.

The Hon'ble the Resident then taking up the sub-paragraphs of item 4 read out a note by the Inspector-General of Police and Police Adviser explaining the need for a police training school for officers of the rank of Assistant Sub-Inspector and above. The note referred to the present unsatisfactory dependence on occasional vacancies in Provincial Police Training Schools and gave figures to show how the States had

ample candidates to support their own school. With a total staff of 710 officers of the rank of A.S.I. and above in the forces of the Orissa and Chhattisgarh States, there would be at least 71 officers to train each year, and this number, in the earlier years might be even greater. In addition Excise and Jail staff could also possibly be trained at the same school. The capital cost was estimated to be about Rs. 2,20,000/- and the annual recurring expenditure about Rs. 60,000/-.

The Maharaja of Patna enquired if the Maharaja of Mayurbhanj would participate in this police training school scheme and the Inspector-General of Police Adviser explained that as they were aiming at a training school for the Orissa and Chhattisgarh States he had proceeded on the assumption that Mayurbhanj would not be included. On a suggestion from the **Maharaja of Patna** that it might be well worth while to enquire if Mayurbhanj would come into the scheme, the **Hon'ble the Resident** said that it was primarily up to the Rulers of the Chhattisgarh and Orissa States to persuade the Maharaja of Mayurbhanj to join but he would gladly try and help in the persuasion.

The Ruler of Seraikella suggested that the Training School might first be accommodated at some temporary site but that its permanent location should be at the capital of the proposed Union, when this was selected.

The Hon'ble the Resident and Inspector-General of Police and Police Advisor here explained that it would be better for the Police Training School for obvious reasons to be away from the distractions of a capital and this was always the practice followed in Provinces in locating their Training Schools.

The Maharaja of Patna suggested that the new Police Board should take up this question of the Police Training School and this was approved.

4 (b). One police service for Orissa and Chhattisgarh States.

The Hon'ble the Resident emphasised the need for one police service for the Orissa and Chhattisgarh States as a

remedy for the fragmentation of forces and lack of co-ordination, control and direction. Now that the Orissa and Chhattisgarh States contemplated a Union, the need for a single police service was even greater. **The Raja of Baudh** suggested that this important and far reaching proposal be left for consideration in conjunction with the Union Constitution. This was approved.

4 (c). Equipment of States Police with Tear Smoke.

The Inspector-General of Police and Police Adviser explained that the question of arming States Police with Tear Smoke equipment had been examined by the Police Board and they had come to the conclusion that, on account of its cost and doubtful efficiency, it would be inadvisable to adopt it at present. They did however, realise that there was some thing to be said for the employment of this weapon on the score of humanity, but that was an aspect which should be considered by the full conference of Rulers.

After some discussion it was decided that States Police should not be armed at present with Tear Smoke Gas equipment.

4 (d). Increase of strength of armed police reserves—formation of local reserves.

The Hon'ble the Resident read out a note by the Inspector-General of Police and Police Adviser on the subject of strengthening and increasing the armed police reserves of States. The note suggested that States armed police reserves might be organised on the lines of Provincial arrangements which had a District Armed Reserve for each District, a Range armed Reserve under a Deputy Inspector-General for group of districts and a Provincial Armed Reserve under the Inspector-General of Police for the whole Province.

The Inspector-General of Police and Police Adviser's suggestion was that the equivalent of the District Armed Police was the **Armed Police** already existing in each States which would remain **under** the Darbars as at present; new reserves should then be

raised for groups of States to correspond with the Range Reserve in Provinces leaving the Joint Armed Police as at present the Armed Police Reserve for all the States.

These local reserves should, he suggested, be located at seven places (Rajnandgaon, Ambikapur, Sundergarh, Balangir, Navagarh, Dhenkanal and Keonjhar) and be administered by the Eastern States Agency Joint Armed Police under the Inspector-General of Police for the sake of efficiency and co-ordinated control. For operational purposes the local reserves would be available for use in any of the States of the group but if an emergency arose the Inspector-General of Police would arrange reinforcements from other group reserves or the Central Joint Armed Police reserve. The extra cost would amount to as much as was being paid for the existing Eastern States Agency Joint Armed Police thus doubling the present contributions of States. The Maharaja of Patna suggested that the conference should endorse the suggestion and that the proposal should be referred to the Police Board and this was approved.

Item 5. Orissa Secondary Schools Teachers Association.

The Hon'ble the Resident explained that the Government of Orissa were anxious that teachers employed in Secondary Schools of States should have the opportunity of associating with one another and sharing the benefits of their experience. They had suggested that it might be desirable and useful for teachers of Secondary Schools of States to come within the fold of the Orissa Secondary Schools Teachers Association. The Hon'ble the Resident said that he was aware that the Education Board at its informal meeting held at Raipur on the 11th March 1946 had decided that for various reasons political and otherwise it would not be wise to permit State teachers to join or affiliate with the Association.

All that the Hon'ble the Resident wanted to know was whether this view was endorsed by the Rulers so that he could reply to the Government of Orissa's letter.

The Rulers unanimously agreed that advantage should not be taken of the offer and the Hon'ble the Resident said he would reply accordingly.

Item 6. Food.

At the outset the **Raja Bahadur of Khairagarh** wished to raise some questions relating to cloth supply, etc.

He said that Mr. Dube, the States Representative for negotiating with the Central Textile Commissioner, was exceeding his duties in that he was inclined to interfere with the Darbar's internal distribution. Hon'ble the Resident asked him to take up such individual complaints with the Political Agent as it was certainly understood that the States Representative had no functions to perform within individual States.

The **Raja of Khandpara** complained that the wrong kinds of cloth were being sent to his State and said that in spite of remonstrations nothing was being done to meet the grievance.

This meant that much cloth for which there was no local sale had to be re-allotted or the Darbars had to arrange as best they could for exchange or disposal elsewhere entailing financial loss. The **Maharaja of Patna** said that to the all India controlled prices such things as hospital cess, charity cess, etc., were being added by the Bombay dealers to cover an increase in price. The Hon'ble the Resident asked the Rulers to take up each case of difficulty with the Political Agent concerned and he assured them that he would pursue vigorously with the Central Government this wide spread grievance of having to accept kinds of cloth and yarn for which there was no local market. He was aware that some time ago there was such a complaint, but had hoped that by now the Textile Commissioner of the Central Government had eliminated such haphazard and faulty distribution.

The **Raja of Baudh** then complained about the delay in receiving permits for export of surplus cereals and pulses and said that this led to loss for State subjects. He said that if they were allowed to make sale contracts direct they would be able

to dispose of all surplus easily and at a good price. The Director of Food Supplies explained that in the case referred to by the Raja of Baudh delay had occurred in disposals because the Baudh grain dealer was demanding a price well above the All India controlled price. Hon'ble the Resident explained that the Raja's proposal was tantamount to abandonment of All India Food Grain Policy, which had been accepted by all Provinces and States and that on no account could direct sales at *ad hoc* prices be permitted. The Hon'ble the Resident estimates again referred to punctual submission of surpluses month by month as otherwise the allotment by the Food Department become physically impossible and damaging hold-ups would be inevitable.

The Raja Bahadur of Khairagarh then spoke about the appointment of the States own Director of Food Supplies and suggested that there should be two Directors of Food Supplies, one for Orissa and one for the Chhattisgarh States, each under a regional committee. He said that this would obviate the present delay in the issue of permits. He also asked that dealers should not be allowed to visit the Director of Food Supplies at Calcutta without the knowledge of the Darbars. The Hon'ble the Resident in reply explained how originally the Director of Food Supplies was the States' man and paid by them but he had at some Rulers' request managed to arrange for the Food Department to meet his pay and expenses whilst still leading him entirely under the orders of the Resident as empowered by the Ruler. He added that he would think over the proposal of having two directors of Food Supplies but saw no objection to it in principle if the Rulers themselves wanted it and were prepared to pay for it.

The Director of Food Supplies explained that there was only delay in issuing permits if surpluses were declared late and there was no demand.

As for the dealers visiting the Director of Food Supplies office in Calcutta they only came when the Darbars themselves sent them to secure early decisions.

Item 7. Post War Development Committee.

The report of the **Ruler of Seraikella** on the work done by the Post War Development Committee was taken as read. **The Ruler of Baudh** said that the Rulers at their own meeting had decided to terminate the Post War Development Committee. **The Hon'ble the Resident** then enquired to whom he should refer for the names of suitable representatives for the various industrial panels which were set up by the Central Government and to which he was at intervals requested to arrange representatives from the Eastern States. **The Raja Bahadur of Khairagarh** suggested that the Special Committee of Princes for the Federal Union might carry on the work previously done by the P.W.D. Committee, and the **Raja of Dhenkanal** supported this suggestion. **The Hon'ble the Resident** suggested that the Special Committee might form a sub-committee to which he could refer.

The Rulers decided to discuss this point further amongst themselves and to inform the Hon'ble the Resident of their decisions in due course.

The Hon'ble the Resident then explained the position as regards the Mahanadi Development Scheme since he knew that there was considerable misapprehension and misunderstanding in the minds of Rulers. He pointed out the great potential benefits of the proposed dam at Hirakud and explained the position as regards the other proposed dam.

Item 8. Internal Security—Subversive activities.

The Hon'ble the Resident referred to the question of dealing with internal disorders in States as result chiefly of political agitation from within or without the States. Against such agitation the best defence of course was the loyal goodwill of the people but at the same time Darbars should have their internal security scheme and such aids as legal measures well thought out and easy of application. He enquired whether the States were satisfied that their arrangements were adequate and enquired what the position was as regards such measures as

the Registration of Societies Act. It seemed that some States had never enacted it, some had it but never applied it and few, if any actually used it at all. Hon'ble the Resident thought perhaps some Rulers would benefit from hearing the experience and views of other Darbars. Perhaps the general feeling now was to rely more on the regular law and to enact only such special laws as would not attract attention and criticism from British India. He referred to the many enactments passed by Congress Provincial Governments in recent months to control agitation and threat of disorders which might be suitable for introduction into States attracting criticism.

The Ruler of Boudh said that he had withdrawn the Act. The Maharaja of Patna said that he had repealed the Act and replaced it by a Seditious Meeting Act, which had similar provisions regarding processions and meetings as the Registration of Societies Act did not come into force until notified for a particular area and for a specified period. The Ruler of Korea suggested that Registration of Societies Act should be repealed as there was no counterpart to this law in British India and States should have laws which were similar to those existing in British India. He said that when outside agitators came into his State to stir up trouble he asked his Chief Minister to discuss outstanding points with such outsiders and explain matters to them. If in spite of this they insisted on stirring up trouble he felt that ordinary laws of the State would be adequate.

The Raja Bahadur of Khairagarh felt that all such laws were quite useless in the context of new India now being evolved, and that it would be fatal to rely on any such laws to protect the Darbar against agitation. He considered that Rulers should rely more upon their own people and favoured pushing forward with internal reforms and the introduction of responsible Government. He said that if they had the support of their people they could then, as in the Central Provinces, legislate Acts like the Goondas Act and the Public Safety Act for controlling associations, meetings, ect.

The Hon'ble the Resident suggested that States should keep an eye on Acts passed by Congress Provinces to control drilling, wearing of uniforms etc. For the control of labour disputes in mills the Hon'ble the Resident referred Rulers to the Central Provinces and Berar Industrial Disputes Settlement Bill of 1946, published in their Gazette of 4th September, 1946.

The Hon'ble the Resident then suggested that it would be wise for each State to have some sort of internal security scheme and Police Adviser would be glad to assist States in drawing up such schemes.

Item 9—Establishment of Central Lunatic Asylum and institutions for research and Training facilities for Medical men.

The Hon'ble the Resident enquired what the Post War Development Committee had done about the question of starting a sub-Assistant Surgeons' School which was referred to it by the Fifth Rulers' Conference. The Raja of Seraikela said that the Committee had been unable to take up the matter for the reasons already given by him in recommending dissolution of the Committee.

The Maharaja of Kalahandi said that as all Provincial Medical Schools were becoming colleges and it would not be possible for States to obtain sufficient M. B. B. S. medical officers for their requirements, the need for a medical school for the Eastern States was urgent.

The Raja Bahadur of Khairagarh supported this proposal.

The Maharaja of Kalahandi said that a sub-committee should go into this question and submit its report at the next Rulers' Conference or might circulate the report to all Rulers. The Hon'ble the Resident here suggested that greater speed might be achieved by deputing one of their experienced doctors to go into the question not in detail but sufficiently to get an idea of the cost and the advisability of embarking on such an ambitious scheme. As many Provinces were starting Medical Colleges it should be possible to get from one of them sufficient

material to gauge financial and other commitments. After discussion it was agreed that Rai Bahadur Chatterjee, Joint Medical Officer for the States of Raigarh, Surguja and Udaipur, should be approached to make a preliminary examination of the feasibility of such a scheme.

As a result of the discussion at the fifth Rulers Conference States were asked (1) whether they would agree to a leper survey of their States being made by the research students of the Calcutta Tropical School of Medicine (2) whether they were of the opinion that a Central Lunatic asylum for the Eastern States was desirable and practicable and (3) whether they considered that an institution for research and training of medical officers was desirable. As all States except Kankar welcomed the leprosy survey, the Hon'ble the Resident said that Dr. Dharmendra of the Tropical School of Medicine had been asked whether he could allow his students to carry this out free of charge. Unfortunately Dr. Dharmendra had been away and had not returned before the date of the Rulers Conference, so no result of the approach could yet be reported.

As regards the establishment of Central Lunatic Asylum the Hon'ble the Resident said that the majority of States were in favour of this, as reliance on vacancies in Provincial Institutions was becoming more and more infructuous. After discussion all Rulers agreed in principle to the need for a Central Lunatic Asylum but decided that a preliminary survey of the number of Lunatics in each State should first be undertaken.

As regards the establishment of a Central Research Institution, the Hon'ble the Resident said that the majority of States welcomed this as a move in the right direction but one or two felt that at this stage the proposal was too ambitious. After discussion, it was agreed that a long term policy this matter should be given full consideration but much would depend upon the financial ability of the proposed federation of the Eastern States. The Hon'ble the Resident said that specific proposals would be necessary before it could be judged a feasible scheme within the financial resources of the States.

While on this subject the **Maharaja of Patna** suggested that an Engineering School also should be started for the Eastern States and said that the Public Works Board might be asked to prepare a scheme for a school for training candidates up to the standard of overseer. This was accepted.

The **Raja Bahadur of Khairagarh** raised the question of Public Works Adviser participating in the meeting called to discuss the re-organisation of the Cuttack School of Engineering. Here the **Hon'ble the Resident** explained that what happened was that the Principal of the Cuttack School had drawn up a scheme and all that the Public Works Adviser had been asked to do was to be a member of a technical Committee that had been formed to consider this scheme. As the Cuttack School was open to subjects of the Eastern States and had in fact a number of States students, the Orissa Government had thought that a States Engineer might be able to make some helpful comments on the Principal's scheme. The States Engineer was to go chiefly however in his technical capacity, no political questions were involved and he was in no way representing States views.

The Raja Bahadur of Khairagarh then suggested that the Public Works Adviser's Board should be enlarged to include two more Rulers and the Rulers of Kanker and Chhukhadan were elected as members.

Item 10. Improvement and expansion of useful Institutions.

The **Hon'ble the Resident** said that Ruler of Seraikell a had suggested that the conference might consider the question of increasing the number of joint institutions. The Ruler said that certain essential institutions such as a police training school, a medical school, an engineering school, dental clinics, lunatic asylum and a juvenile reformatory were all urgent needs and that the provision of these should not wait until the Eastern States Federation was formed. Meanwhile some of the above had already been discussed and decisions taken at the Conference, e.g., the Police Training School, Medical School, Engineering School and Lunatic Asylum.

The Hon'ble the Resident then detailed the various joint arrangements already existing in the Eastern States and said that in all essential departments there was already a considerable number of joint arrangements and what seemed immediately necessary was a more intensive development of these. He however was all in a favour of any joint measure of urgent general need.

The Ruler of Seraikella then suggested that there should be some arrangement by which people of one State could avail themselves of facilities existing in neighbouring States rather than having to go to neighbouring Provinces. He felt that this would enhance the prestige of the States as political agitators were inclined to impute that small States were in the main dependent upon Provinces for up-to-date facilities such as X-Ray treatment, high grade hospitals etc. It was agreed that this should be pursued locally wherever possible.

Item 11. Forestry and Agricology.

The Maharaja of Kalahandi as Chairman of the Board of Forestry and Agricology first reviewed the work done by the Board in the past year. He spoke about the starting of a Ranger's College and said that in spite of Government of India's decision to centralise training at Dehra Dun the need for a college at Bamra still existed and he added that the Forest Bord, Central Government, during his forthcoming visit to the Eastern States.

Item 11 (a). Training of Agricultural Supervisors.

The Maharaja of Kalahandi said that in accordance with the decisions of the fifth Rulers Conference he had informed States of the cost of starting a training course for Agricultural Supervisors, but only four States had agreed to the scheme, nine had dissented and others had not replied. The Hon'ble the Resident enquired what the consensus of opinion was and Rulers said that they were at present not in favour of pursuing the idea.

Item 11 (b). Transfer of control of the office of the Chief Forest Adviser to the Board.

The Maharaja of Kalahandi had desired that this subject should come up before the Conference to consider the insertion of a clause in the constitution of the Board to prevent participating States from withdrawing from the scheme. The Maharaja of Kalahandi said that he considered the inclusion of the present secession clause unnecessary.

The Maharaja of Patna said that the clause had been inserted more with the object of preventing any State from withdrawing during the first 3 years than with the idea of permitting them to withdraw after that period. It was finally decided that there was no harm in allowing the secession clause to remain in the constitution.

The Hon'ble Resident here explained that he was aware of the anxiety of the Rulers for the early transfer of the entire control to the Board and assured them that this transfer was not held up because of the secession clause, but because final decisions on certain minor points, such as the Provident Fund, enactment of the Forest Act by individual States and the settlement of the revised terms proposed by the Board for the Chief Forest Adviser had not yet been taken.

Item 11 (c). Subscription to the Provident Fund by the Senior Officers of the Agricultural Adviser's and Chief Forest Adviser's Staff.

The Maharaja of Kalahandi said that as desired by the Board he had put up draft Provident Fund Rules at a meeting of the Board held on 27th March 1946 when the Ruler of Korea raised certain questions which called for a discussion at this Conference. The question at issue was whether senior officers of the Forest Board should be allowed to subscribe to a Provident Fund.

The Ruler of Korea said that this point should be considered as a general issue affecting officers under all the other Borads. He said that Provident Fund benefits, for senior officers

under the Board should depend upon the terms of contract of each officer. The Chief Forest Adviser explained that the hope and intention was that in the future senior forest officers would be promoted from below and in such cases they should be considered automatically eligible for Provident Fund benefits enjoyed by them before promotion. He further said that without good terms it would not be possible to attract the right type of men for these posts. After much discussion it was finally decided, at the suggestion of the Raja of Korea, that except in the case of special short term contracts officers should be eligible for Provident Fund benefits with effect from the date of employment but only after the period of probation had elapsed and the officer confirmed and provided that no contribution was being paid to his original employer.

Item 11 (d). Veterinary Stockmen Training.

The Agricultural Adviser explained the objects of this proposed training and said that it was very necessary if large casualties were at all to be prevented especially in remote rural areas. The capital cost would be about Rs. 10,685/- and the annual recurring expenditure about Rs. 1,318/- with 10 students in training each year, each paying Rs. 300/- per annum; the scheme should be self-supporting and in course of time the capital expenditure would also be recovered from the tuition fees of the students. The conference accepted the proposal.

Item 12. Scouts Jamboree in France.

The conference accepted the proposal of sending a contingent and also agreed that the expenses should be met by States paying in proportion to the number of their scouts. The conference also agreed to the contingent being led by Mr. Basu, the Provincial Organising Secretary, who, they were glad to hear, had been appointed a Deputy Camp Chief.

Item 13. Stopping of Trains.

The Raja of Boudh then raised the question of stopping mail trains at intermediate stations. The Hon'ble the Resident

feared that it was improbable that Railway Administrations, now very intent on improving the standard of railway services in India, would agree to the stopping of fast mail trains at small stations. On the question of reservations, Hon'ble the Resident asked the Raja of Baudh to submit definite proposals.

The Hon'ble the Resident then proposed a vote of thanks to the college authorities and to Mr. Gwyn for all the arrangements they had made which was passed unanimously.

The conference then ended with a vote of thanks to the Hon'ble the Resident proposed by the Maharaja of Patna and passed unanimously.

APPENDIX XVI

Copy of letter dated the 3rd February, 1947, from Mr. B. N. Rau, Constitutional Adviser, Constituent Assembly, Council House, New Delhi, to the Hon'ble Sri Harekrishna Mahtab, Premier, Orissa, Cuttack.

Just before leaving Delhi you asked me if I could suggest any scheme for the joint administration of the Orissa States and the Orissa Province. You had doubtless in mind the recommendation made in 1930 by the Attlee Sub-Committee of the Simon Commission : "The Orissa Feudatory States which are not part of British India should be brought into relationship with any administration set up for Orissa". That recommendation was made before Orissa was a separate Province and in anticipation of its separation. Now that Orissa is a separate Province, the recommendation deserves careful consideration.

I should like to invite your attention to the mode in which the Federated Shan States have been administered in Burma. These States are part of British Burma and to that extent the analogy fails. Even so, a careful examination of the mode of administration of the Federated Shan States might be useful for your purposes. For convenience of reference, I quote below the relevant extracts from the Report on the Administration of Burma for the year 1931-32 :—

Federated Shan States comprising Northern and Southern States; 6 Northern States. area 21,400 sq. miles, population 636, 107; 30 Southern States, area 36,416 sq. miles. population 870,230.

"In the case of the Shan States, the civil, criminal and revenue administration of every State is vested by the Burma Laws Act, 1898, in the Chief of the state subject to any restrictions specified in the **sanad** or order or appointment granted to

him. Under the same Act enactments in force in Upper Burma can be extended to the Shan States and a large number have been so extended. In matters not covered by enactments, the law to be administered in each State is the customary law of the States, so far as it is in accordance with justice, equity and good conscience and is not opposed to the spirit of the law in force in the rest of British India. The powers of the Chiefs are exercised under the supervision, in the case of the Federated Shan States, of two Superintendents appointed from the Burma Commission or the Burma Frontier Service and, in the case of the other States, of the Deputy Commissioner of the district within which each falls. The Superintendents are assisted by Assistant Superintendents from the Burma Frontier Service. The powers of the Local Government extend to the appointment of officers to take part in the administration of any State, to the regulation of their powers and procedure, to the modifying of the customary law where necessary to bring it within the conditions of application, and to the regulation of the assessment and collection of revenue. The main block of the Shan States, grouped into the Northern and Southern Shan States, was formed into a federation with effect from the 1st October, 1922. The main features of this arrangement are a centralised budget covering expenditure on public works, medical administration, forests, education and agriculture, and to a small extent on police, towards which the several States contribute a definite proportion of their revenue and to which is credited the revenue from forests and minerals, which previously went to provincial funds; and an advisory council of Chiefs which, though without legislative powers, is consulted in connection with the extension of Acts to the Shan States by the Local Government and discusses the budget. The Federated Shan States thus form a sort of sub-province with finances distinct from those of Burma proper and under a distinct form of administration. The agent of the Governor in respect of its administration is the Commissioner of the Federated Shan States who is president of the advisory council of Chiefs. Formerly he was Commissioner of the North-East Frontier Division, a

division which existed in 1922-25, but in 1925 it was abolished and the Federated Shan States were given a Commissioner of their own; he is also Superintendent of the Southern Shan States, a post which is temporarily in abeyance. The Commissioner is the official superior of the Superintendents, whose primary functions remain, as before the federation, the supervision of administration in the individual States.”

My tentative proposal is that a rather similar plan might be adopted for Orissa and that there might be formed the Federated Orissa States to be administered jointly with the Province of Orissa for certain common purposes, subject perhaps to certain conditions. I see no great difficulty in having an arrangement of this kind, provided the Rulers of the States concerned and the Provincial Government can come to an understanding (a) as to the common subjects, and (b) as to the conditions; if any. A conference with the Rulers concerned might be useful at this stage. Whatever may be the precise nature of the agreement, it need not conflict with the accession of the States, at a later stage, to the all-India Union, because this later accession will only be in respect of the Union subjects, whereas the arrangement contemplated now is in respect of subjects outside the Union List. In short, the accession to the Centre and the accession to the Provinces will be on different planes. I should like to discuss the whole question further with you in person, if you can meet me in Madras about the 14th or 15th February.

APPENDIX XVII

ALL-INDIA STATES PEOPLE'S CONFERENCE.

19, Canning Lane.

New Delhi,

Ref. No. R.C.8/21.

Dated, 16th June, 1947.

Dear Sir,

We have given our careful attention to your communication No. 102/HPM/C:DLH, dated the 1st May, 1947.

Your proposal seems that the States should be regarded as constituencies for the Orissa Legislative Assembly. In the first place this requires the amendment of the Government of India Act of 1935 and cannot be achieved by any private arrangements amongst ourselves. Secondly you are prepared to give a place to the Rulers on the legislature which means that the Rulers being equal to members of the legislature representing the districts of Orissa itself have equal rights with them. Therefore, they can become ministers. The position will thus come to this that any of the Rulers may become a minister or ministers in Orissa Govt. We shall be giving a hand to the Rulers to rule Orissa Government while the people of Orissa proper have no hand in or connection with the administration of the States. This is a unilateral arrangement which cannot be agreed to. We cannot have haphazard arrangement for the admixture of administration although provisional arrangements may be made in regard to certain aspects of administration.

In regard to States like the Eastern Agency States what the States People's Conference has been all along aiming at is the grouping of these States after the manner of the Deccan States Union so that the States break up the geographical boundary and become one territorial unit instead of the proposals on hand which you have been good enough to send

us and which maintain the entity of the States, their territorial integrity, the authority of the Rulers and yet bring those Rulers in the picture of Orissa Government without any compensating factor for the people of the Orissa districts. This scheme is obviously untenable and does not commend itself to the States People's Conference.

Yours sincerely,
B. Pattabhi Sitaramayya
President.

Shri Harekrishna Mahtab,
Prime Minister of Orissa,
Cuttack.

HAREKRISHNA MAHTAB.

Premier Orissa.

Cuttack,
The 20th June, 1947.

D.O. No. 3337/HPM.

Dear Sir,

Your letter No. R.C.8/21 dated the 16th June 1947 :

My tentative proposals are intended to give effect to the decision of the All Orissa States People's Organisation that the Orissa States numbering 27 should be amalgamated with the Province. Of course, this amalgamation cannot take place under the existing Government of India Act, 1935. These proposals, if acceptable to all concerned, must be provided for in the new Constitution. As regards the proposals, they may be amended and I do not discuss your comments on them at present.

With regard to the second paragraph of your letter, I am surprised to see that the States' People's Conference has been all along aiming at the grouping of the Eastern Agency States. If you kindly look up to your old papers, you will find that the people of the Orissa States have all along demanded amalgamation with the Province and as a matter of fact the proposed union of the Eastern Agency States has been opposed

from several platforms by the leaders of the people of the Orissa States. Any way I may inform you that in the interests of the Orissa Province it is essential that the neighbouring States should come under one administration with the Province and I have no doubt that in this matter I have the support of the people of the Orissa States. But the reported decision of the States' People's Conference or the Union of the Eastern Agency States will certainly be welcomed by the Rulers of the Orissa States, and if the people of the States and the Rulers are unanimous on the point, then I suppose, the Province may not have the desired end, but that will be to the detriment of the interests of the Province and the States as a whole.

Yours sincerely,

H. Mahtab.

B. Pattabhi Sitaramayya, Esqr.,
President, All-India States' People's Conference,
19, Canning Lane,
New Delhi.

ALL-INDIA STATES' PEOPLE'S CONFERENCE.

Central Office.

31, Phirozshah Road,
New Delhi, July 21, 1947.

My dear Mahtab,

Your kind letter to hand. You contrast the scheme of amalgamation by which you describe your own proposals and the scheme of grouping which is being aimed at by the All-India States' People's Conference. I may at once clear your mind about the question that the A.I.S.P.C. is not against amalgamation. On the other hand, it would prefer it. But how do you call your scheme a scheme of amalgamation when you retain the princes with their autocratic powers in their own States and offer them in addition, the chances of becoming ministers with you as your colleagues on the democratic basis and under a scheme of responsible Government. This is a wholly

incompatible mixture. One should prefer a union of the Eastern Agency States on the plan of the Deccan States Union to your scheme. The other day when you invited us to dinner, you unfolded the scheme only a half and we had no time for discussion. Apparently you wanted to discuss the scheme in a heart to heart talk for which there was no time left. Even now I say that so long as you recognize the autocratic heads of individual States, a scheme of amalgamation would be a misnomer. If you think that the people of the States are with you, I can only attribute it to their inadequate information rather than to their enlightened decision. But of course you differ from me and there we must leave matters.

Yours sincerely,
B. Pattabhi Sitaramayya.

Shri Harekrishna Mahtab,
Premier Orissa,
Cuttack.

**Statement issued by the Hon. Sri H. Mahtab, Premier, Orissa
as regards the problems of the Province vis-a-vis the
Neighbouring States.**

That the problem of the existence of the States interspersed in the province of Orissa is a serious one has been admitted even by the Attlee Sub-Committee of the Simon Commission set up for the purpose of examining the question of a separate province for Orissa. The recommendation of the Attlee Sub-Committee is as follows : "The Orissa Feudatory States which are not part of British India should be brought into relationship with any administration set up for Orissa". Subsequently Orissa was made a separate Province but this aspect of the question was not seriously taken into consideration. The experiences of 1938 clearly proved that there must be close relationship between the administration of the States and of the

Province. Since then this point is hammered out specially from the platform and press of the people of the States. I have been pressing this point for consideration of all concerned and I have always held that some sort of joint administration of the Orissa States and the Orissa Province should be brought about in the interest of the people of both the parts of the Province. While trying to find out a way to solve this problem my attention was drawn to the mode in which the Federated Shan States were administered in Burma. Following that analogy my tentative proposals were that the following subjects should be commonly administered and in the administration of these subjects the people of the States, the Rulers and the people of the Province should be partners :—

Communication,
Education,
Public Health,
Provincial Police,
Administration of Justice,
Excise,
Forests; and
Planning of agriculture and industries.

These were tentative proposals which I sent to the Nawab of Bhopal, Chancellor of the Chamber of Princes and also to the Secretary, All-India States' People's Conference.

The Rulers of the Orissa States have been stoutly opposing my proposal for close relationship between the Orissa States and the Province on various grounds. At one time the word 'amalgamation' was used for this close relationship between the Province and the States. As soon as the States and the Province combine in the administration of various common subjects, it would virtually tantamount to amalgamation of both the parts of the province, each one maintaining its separate entity. I have tried my utmost to explain my view point to the Rulers, but the latest report which I have received clearly shows that they are not agreeable to my proposals. On the contrary, they have been holding out the proposal for a Union of the Eastern

States as a counterblast against my proposal for joint administration. It is reported that the Rulers of the States believe that united as a Union the State can present a strong front against any attack made against the Rulers by the politicians in India. Personally I have not seen the details of the proposal of a Union of Eastern States. Therefore I am unable to pass any opinion on this.

Recently, I have received a letter from Sri Pattabhi Sitaramayya, President, All-India States' People's Conference, saying that in regard to the Eastern Agency States the States People's Conference has been all along aiming at the grouping of these States after the manner of the Deccan States Union. This seems to me a new position which the States' People's Conference have taken. Any way it is not for me to pass an opinion on the decision of the States' People's Conference, but it is clear that the principle of having a Union of the Eastern States is agreed to both by the Rulers and the representatives of the people. In that case I would humbly submit that both parties should negotiate and bring about the Union at the earliest opportunity. The Orissa Government will gladly negotiate with the Union and try to come to some agreement with regard to the administration of some common subjects. In any event, there must be close relationship between the Orissa Province and either the individual States or the Union they form themselves into. Without this close relation, the administration in each part of the Province will be very difficult and it is to the interest of both that close relationship between the Province and States should be brought about at the earliest opportunity. Now that the States' People's Conference has agreed in principle with the Rulers of the States, there ought not to be any difficulty in bringing about the Union at the earliest opportunity. In the mean time, I must continue to explore all avenues for bringing about close relationship in administration between the States and the Province.

H. Mahatab.

25.6.47

APPENDIX XVIII

MEMORANDUM ON ORISSA AND ORISSA STATES

In this Memorandum wherever mention has been made of Orissa States, the States of Mayurbhanj, Patna and Kalahandi have been included in them although Mayurbhanj is in the Bengal Agency whereas Patna and Kalahandi are in the Chhattisgarh Agency. Thus, there are 26 Orissa States closely interspersed in the Province of Orissa. If one looks at the map of the Orissa Province and the Orissa States, one would find that the districts of Orissa look like so many islands in the ocean of States. These small States of Orissa originally were tributaries to the King of Orissa, who is now popularly known as the Raja of Puri. Most of the Rulers of these States used to render some service to the Raja of Puri and in return they were enjoying the possession of some territories. When Orissa was conquered by British in 1803, the Raja of Puri was reduced to an ordinary citizen of British India, while these States were excluded from the operation of the Regulations not on account of any of their inherent rights, but on account of the inaccessibility to those places and the uncivilized character of the people and the Rulers as have been definitely mentioned in the Regulations concerned. In 1814 a definite instruction was given by the then Governor-General to the Superintendent of Tributary Mahals of Orissa that as soon as convenient these States should be brought under an ordinary administration. But for reasons best known to the British politicians the so-called Tributary Mahals were gradually raised from the status of ordinary estates to that of full-fledged States. The recent declaration of June 3, 1947, has given a higher status to the Orissa States than they used to have before the British Rule began. Before the British Rule, these States were never independent. They were Tributaries to either the Raja of Puri or the Raja of Sambalpur. But, now although Sambalpur has been included in the

British Orissa and the Raja of Puri is an ordinary citizen of the country, their Tributaries have been made independent Sovereigns. Whatever be the history of these States and whatever may have been the policy underlying in raising the status of these estates, the fact now stands that these States are now sovereign and arrangements must be made accordingly with the Province. The presence of a number of small States in between the districts of the Province creates enormous administrative difficulties and unless the problem is effectively solved, the very existence of the States and the Province of Orissa may be at stake.

2. That the problem of the existence of the States all round the districts of Orissa is a serious one has been admitted even by the Attlee Sub-Committee of the Simon Commission which was set up for the purpose of examining the question of a separate province for Orissa. The recommendation of the Attlee (present Rt. Hon'ble Prime Minister of England) Sub-Committee is as follows :

“The Orissa Feudatory States which are not part of British India should be brought into relationship with any administration set up for Orissa”.

Although Orissa was made a separate province this aspect of the question was not given serious consideration by the then authorities; there was a large scale movement in the States and the experience of 1938 clearly proved that there must be close relationship between the administration of the States and of the Province. Since then, this point is being stressed all round although nothing tangible has yet come out. Except that, it is admitted on all hands that there must be close relationship between the States and the Province. For the solution of the problem of the Orissa States the analogy of administration of the Federation of Shan States in Burma may be taken into consideration. In this connection reference may be made to the Report on the Administration for Burma for the year 1931-32 where it is stated how close relation has been maintained between the administration of the States and

of Province. In that way, a similar plan may be adopted for Orissa and there may be formed a Federated Orissa States to be administered jointly with the Province of Orissa for certain common purposes. Some time back I suggested that the following should be the subjects for common administration :

1. Communication,
2. Education,
3. Public Health,
4. Provincial Police,
5. Administration of Justice,
6. Excise,
7. Forests, and
8. Planning of agriculture and industries.

Some more subjects may be added to the list by mutual agreement. Unless the above subjects are commonly administered, there will be tremendous difficulties in the administration both in the Province and in the States. I attach herewith a separate note explaining the administrative difficulties which the Province of Orissa has experienced on account of the existence of the States all round.

3. Apart from the administrative difficulties, the financial burden on the Province is gradually increasing in volume because of the existence of the States. Since there is popular administration in the Province and there is virtually no difference between the people of the Province and of the States, the institutions, such as, Colleges, Hospitals, etc., maintained wholly by the Province have to be made open to the people of the States and also to the Rulers although the latter do not contribute anything towards the up-keep of those institutions. In the case of one or two institutions some of the Rulers have donated some money like many other donors for the construction of building, but the recurring charges of these institutions are gradually on the increase because accommodation has to be made not only for the people of the Province but also for the people of the States. The Province cannot refuse admission in any of its institutions to the people of the States. At present

the administrations of States are taking full advantage of the close relationship between the people of the States and of the Province and do not realise at all the moral obligation to contribute for the up-keep of the institutions which serve their own people also. Things are drifting in such a manner that a time may soon come when the doors of the institutions of Orissa Province have to be closed against the States—resulting in discontent amongst the people of the States which will have tremendous effect not only on the administration of the States but also on that of the Province.

4. The annexed note will clearly show how the administration of the Province is affected because of want of close relationship between the States and the Province. In view of all these, I would humbly suggest that a serious effort may be made to bring about close relationship between the Orissa States and the Province on the lines of the Federated Shan States of Burma or on any other line which may be considered suitable under the existing circumstances.

Harekrishna Mahtab,
Premier, Orissa, and
Member, Constituent Assembly of India.

ANNEXURE

The following is a summary of the administrative difficulties experienced by all Departments of Government.

(1) **Excise** :—So far as opium, and ganja plant are concerned, an agreement has been made with most, but not all, of the States to have a common retail price, to fix a limit of possession and to have control zones at the border. Six States have not accepted the terms of this agreement, and there is no means of persuading them to do so. It is proposed to introduce Legislation for the prohibition or control of drugs in Orissa, but such Legislation will be ineffective while the States will permit the cultivation of drugs. Smuggling is carried on and checking at the borders is difficult. So far as liquor is concerned, the policy

in Orissa is to change over from outstills to distilleries. The States, however, have no similar policy and their outstill liquor is both stronger and cheaper and is smuggled for sale into Orissa.

(2) **Food Policy** :—Under the All-India Basic Plan the Orissa States form a separate group for supplies of paddy, rice, pulses, gram, mustard and groundnuts. The States have had independent price control which is co-ordinated either with Orissa or with the other States. Wherever there is any difference in price, there is always smuggling at border, in either direction, in defiance of the artificial and uneconomic barriers. Speculation is encouraged and food control is made more difficult. Lack of co-ordination has resulted in wastage of transport. For example, Cuttack town was formerly supplied by the neighbouring States. It now has to be supplied from Sambalpur. The States are now selling their paddy in Madras where it is milled. Formerly it was milled in Orissa and the exports, if any, were in rice. Transport space is wasted by sending paddy instead of rice. Orissa formerly was supplied with mustard seed from States. Orissa now has to import mustard seed from the United Provinces while the States send their mustard seed to Bengal. There are further anomalies.

The Food Policy of the States has also affected the Forest Department, who depend on labour from the States. The labourers formerly brought supplies of food with them but owing to the bans on export of food from the States, forest labour even during the war was almost at a standstill.

(3) **Cloth and Yarn** :—The States and Orissa already form one region on an All-India basis under the control of the Provincial Textile Controller. Distribution is on a per capita basis. It is found that the States are unable to take quick delivery of their quotas which accordingly lapse and the region as a whole has to go with less cloth and yarn than it deserves. Cloth in some cases is unmarketable in a particular State and is blackmarketed elsewhere. The Provincial Textile Controller, however, has to treat each States or group of States, where these have been formed, as separate units have a right to a fixed quota.

In general the present system of separating the States from Orissa in economic matters is wrong and contrary to the normal trade practice. Commerce in States was formerly based on and financed by the trade centres of Orissa. Artificial trade barriers are wasteful and expensive to both parties.

(4) Roads :—The Cuttack-Sambalpur Road and the Angul-Phulbani Road pass through various States. The P.W.D. have no rights over the land on which the roads are constructed. Their function is limited to construction and maintenance of the road. Disputes have arisen over the cutting of roadside trees and over the payment of royalty for road materials such as moorum, timber, etc. The financial contribution of the States is too low in relation to the benefits.

Long distance motor transport is discouraged because each State insists on levying a separate tax.

(5) Rivers :—

(a) Up to now there has been no co-ordination in the utilisation of rivers and there have been administrative difficulties in flood control; say, for example, the construction of an embankment in Baramba State necessitates the strengthening of the embankment in Banki. A proposal to irrigate an area of Angul (Kukudang Project) has been hanging fire for many years because it involves inundating a portion of Talcher State. The difficulties, however, have been minor as no large scale flood control measures have up to now been undertaken. There already exists co-operation in the system of flood warnings.

(b) **Fish :—**The Fisheries Department has to supply fish both to States and to Orissa and is unable to supply sufficient quantities because it is not permitted to catch them except in the portions of the rivers belong to Orissa. Attempts to control the fish supplies to Cuttack town are frustrated by the States leasing out their fisheries to private parties and refusing to co-operate.

(c) **Navigation** :—The specialised work of floating timber and sailing country boats is done mainly by labour from Narsinghpur State. During war the Forest Department was sometimes unable to obtain the necessary labour because the State claimed that it required labour itself. Not only was there difficulty in obtaining boats, but boats fully laden with war supplies were actually stopped *en route* by the State officials and the supplies seized and delayed.

With the inception of the Mahanadi Valley Project co-ordination and central direction will be essential. The following problems will be common both to States and to Orissa.

- (i) Areas to be flooded,
- (ii) navigation rights, tolls, etc.,
- (iii) malaria control,
- (iv) prevention of soil erosion and deforestation,
- (v) exploitation of the benefits of the scheme, for example, electricity, irrigation etc.
- (vi) finance.

(6) **Public Health** :—There is practically no Public Health organisation in the States, nor can the smaller States afford the services of well qualified Public Health Doctors. The result is that at markets and festivals in Orissa the States people carry infection, and create epidemics in Orissa. Beyond the exchange of information about fairs and festivals and of epidemic reports there is no co-ordination between the Health organisations of the States and Orissa. It is reported that a cholera epidemic started in Jajpur Sub-division in 1945 because the bodies of cholera victims in Keonjhar State were thrown into the river Baitharani and carried the germs. There is a constant influx of lepers to Orissa, presumably because they receive better treatment.

(7) **Livestock** :—The States have no well developed Veterinary organisation and the policy of improving the livestock of Orissa is hampered by the movement of inferior and diseased cattle to and from the States. As a result it is proposed

to establish Animal Quarantine Stations, since the absence of any co-ordination makes this the only possible remedy. Such one-sided action can only have a limited effect.

(8) Wild Animals :—Angul Sub-division suffers from the depredations of wild elephants which move in from the surrounding States as a result of *Khedda* operations there.

(9) Forests :—Up till now co-operation has been fairly effective mainly because the Forest Adviser to the Eastern States Agency has been deputed from the I.F.S. Cadre and personal contact has ensured co-operation. The States, however, are now setting up a Board of Management which will require a new method of co-operation. The policy of conservation of forests has to be worked out on a wide basis, which will involve both the States and Orissa.

Difficulties have been experienced recently in obtaining labour supply from the States as a result of their food policies. There has also been difficulty at times in obtaining cartmen, boatmen and other specialised labour because the States insisted that they themselves required them.

(10) Law and Order :—The Police Department experiences difficulties because criminals, after committing crimes either in the States or in Orissa, seek refuge in Orissa or the States respectively. The Orissa Police have no powers of investigation inside the States, nor have the States Police inside Orissa. Extradition proceedings cause delays (averaging two months) and as a result evidence is weakened or lost. Some important offences, for example 323 A, 304 A, 279 and 225 IPC are not extraditable. Although there are attempts at co-operation, the results are only temporary and not very effective. The recovery of stolen property is frequently delayed by the States, and in general, visits by Orissa Police officers to the States are not encouraged. Apart from these administrative difficulties resulting from lack of co-ordination between the police systems, there are some legal complications which also create difficulties. These are briefly :

- (a) the necessity for extradition proceedings;
- (b) the fact that previous convictions by courts in the States do not count for enhanced punishment in the Courts of Orissa ;
- (c) the fact that the Criminal Tribes Act is not in force in the States; the Doms in Kalahandi State and Koraput district shelter each other and effective control is difficult; and
- (d) the fact that there is no common High Court.

In general, crime is more difficult to control on political borders, and there so many borders between the States and Orissa that control of crime is inevitably made difficult for both parties.

(11) General Administration :—

(a) The Government of Orissa is frequently asked to lend officers to States for dealing with such work as boundary disputes, survey and settlement operations. Six probationary officers of State administration were trained by the Government of Orissa at Angul this year. On occasions training facilities have also been given to members of the families of Ruling Chiefs.

(b) Some States do not offer equal civic rights to natives of Orissa and treat them as foreigners. Orissa on the other hand treats natives of the States on an equal footing. For example, in Dhenkanal a higher rate of *salami* is charged for a native of Orissa to settle on the land.

(c) Dakbungalows as a convenience for travellers are not available in the States to the same extent as in Orissa.

(12) Education :—

A close liaison already exists at the College and University level. The D.P.I., Orissa, is also the authority who controls the recognition of High Schools in the States, but there is no close co-operation in the departmental control of the States High Schools and teachers cannot keep up to date with modern trends.

In primary and the higher stages of secondary education there is no common policy and it is not known what the attitude of the States will be to the introduction of the basic system of education.

The educational facilities of Orissa are available to the States without any discrimination. There are no real difficulties. Administrative difficulties might arise later if the educational system of the States were united with that of Orissa.

(13) Future Problems :—

- (i) Under the heading 'Rivers' I have already mentioned the Mahanadi Valley Project.
 - (ii) The Duduma Hydro-Electric Scheme will require similar centralised authority and direction for utilising the electricity in planned industries.
 - (iii) The development of communications, whether by road, rail, river, or air, will have to be co-ordinated.
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APPENDIX XIX

HON'BLE SRI HAREKRUSHNA MAHTAB
PREMIER, ORISSA.

CUTTACK.

D.O. No. 1794 H.P.M.

The 12th October 1946.

Your Excellency,

I am getting definite information that the Maharaja of Patna is organising and directly conducting the agitation against the Hirakud Project at Sambalpur. His ultimate aim is to amalgamate Sambalpur in his own State Patna. He is dreaming of the old days of Patna of the 16th Century. The leaders of the anti-Hirakud agitation are frequently visiting Patna and the Ruler is directly giving advice and financially helping the agitation. Recently he has sounded the Raja of Borasambar in Sambalpur and the Raja of Khariar to ascertain if they would agree to be tributaries of the future Patna State. However much ridiculous it may sound, the report is that the Maharaja has promised Chief Ministership to Sri Bodhram Dube and the post of Chief Justice to Rai Bahadur Achutananda Purohit and several other posts to some other agitators. However foolish it may be, it is believed by the Maharaja and the agitators that by the time the Constituent Assembly finishes its work, Sambalpur will have been amalgamated with Patna under the Maharaja of Patna as Ruler. The report that we received officially from the Special Branch of the Police also indicate that the agitators have connection with the Maharaja of Patna. These reports may be verified through the agency of the Federal C.I.D. or through any other Central Intelligence Department. I think, this matter should be taken up with the Resident and the Crown Representative, and if the reports received are found to be correct the Maharaja of Patna should be pulled up by the Political Department; if not, it may be necessary for the Provincial

Government to consider whether they should not prohibit the Maharaja of Patna from entering our territories. I know it is a very extreme step, but I do not see how administration in Sambalpur can be carried on if the Maharaja of Patna is allowed to play his game with impunity.

Yours sincerely,
H. Mahtab.

His Excellency Sir C. M. Trivedi,
K.C.S.I., C.I.E., O.B.E., I.C.S.,
Governor of Orissa.

THE GOVERNOR, ORISSA.

GOVERNOR'S CAMP,
ORISSA.

D.O. No. 972 G.O.

The 15th October, 1946.

My dear Prime Minister,

On the 22nd August I wrote to the Resident, Eastern States Agency, about the activities of the Maharaja of Patna in connection with the anti-Hirakud Dam agitation. A copy of my D.O. No. 743 G.O. is enclosed. I have now heard from the Resident and I enclose relevant extracts of his letter No. W-3-7/44 of the 10th October for your information.

2. I have received your letter No. 1794 of the 12th October on the same subject, but, in accordance with your wishes, I am not taking action on it until I hear from you on your return from Sambalpur.

Yours sincerely,
C. M. Trivedi.

The Hon'ble Mr. H. K. Mahtab.
Prime Minister of Orissa.

Copy of D.O. No. 743 G.O. dated the 22nd August 1946 from H. E, the Governor of Orissa to the Hon'ble the Resident Eastern States Agency.

As desired by you, I am placing on record certain information I have received in connection with the anti-Hirakud Dam agitation.

2. It has been reported to me that at a meeting of about 500 people consisting mainly of village headman, tenants, labourers of the villages of Badatangi, Saplachara, Baghra, Santangi, Rampaluga and Dungalipali, held at Saplachara village in Sambalpur Sadar Police Station on the 14th August, with Sri Parama Panda in the chair, Sri Sankar Prasad Misra said *inter alia* that the audience should fight for the separation of Sambalpur from the rest of Orissa. He added that he had discussed this matter with the Ruler of Patna State for about five hours and that it was proposed to call a further meeting for a further discussion.

3. I also understand that the Maharaja of Patna was present at Sambalpur when a very largely attended District Conference was held at Sambalpur on the 31st July to protest against the construction of the Hirakud Dam. I further understand that a paper called "Hirakud Samachar" is to be published from Balangir in Patna State.

4. It seems fairly clear that the Maharaja of Patna is identifying himself with this agitation. I shall be glad to know what action, if any, you are taking in this matter.

Extract from D.O. No. W 3-7/44 dated the 10th October 1946 from the Hon'ble the Resident for the Eastern States Agency to His Excellency the Governor of Orissa.

Please refer to your demi-official letter No. 743 G.O. dated the 22nd August 1946 about the Maharaja of Patna's association with the Hirakud Dam agitation.

2. I was hoping to see the Maharaja at a Conference which the Rulers were to hold in Calcutta but the disturbances there necessitated cancelling the Conference.

3. Chauncy, the Political Agent, Chhattisgarh States, on my instructions, questioned the Maharaja about the matter. He makes no bones about admitting that those against the Project did see him, bringing out the old association of Sambalpur with the Athara Garajat of which Patna was the head,—and doubtless he was flattered at the approach.

He has always had dreams of a resuscitation of the old federation of these States. He himself fully appreciates the great advantages which would accrue from the Hirakud scheme but in view of his delicate situation prefers to keep clear of the matter.

4. As for the paper it is not a State paper or press and as there is freedom of the press in the State as in Orissa he does not feel he can or should interfere presumably as long as it keeps within the bounds of constitutional agitation.

I shall discuss the matter myself with him at the first opportunity and will impress upon him the need for wise, co-operative discretion.

We might discuss the matter when we meet in early November.

THE GOVERNOR, ORISSA.

GOVERNMENT HOUSE.
CUTTACK.

D.O. No. 1140 G.O.

The 15th December, 1946.

My dear Prime Minister,

As you know, I have been doing my best to urge the Resident, Eastern States, to curb the objectionable activities of the Maharaja of Patna about the Hirakud Project and the agitation for the separation of Sambalpur from Orissa. In his latest letter Todd writes to me saying that he can assure me that he has not been idle about Patna's alleged interference in the Hirakud agitation, and that when he sees him shortly he would see what more can be done. I also wrote to His Excellency the Viceroy sometime ago, and I have had a reply from him to the effect that he would ask Corfield whether it is not possible to curb the activities of the Maharaja of Patna.

2. In his letter to me, which I have referred to above, Todd has drawn my attention to the New Orissa's report of your speech at Puri on the 5th December. He goes on to say that you might have been misreported, but adds that I can appreciate its effect on the Rulers and particularly how it is likely to affect Patna's reply to him. I have seen the New Orissa report of your speech in its issue of Saturday, December the 7th. The speech as reported is certainly controversial and is in my judgement not calculated to improve the relation between the Rulers of the Orissa States and ourselves. I thought you and I had an understanding that we should keep silent over this matter for the present. "Merger" is the word the Rulers dislike and are suspicious about. The position is not also improved by referring to the past history of the case. Whether we like it or not, the real starting point is paragraph 14 of the Statement by the Cabinet Mission to India and His Excellency the Viceroy dated the 16th May and the Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes on the 12th May 1946.

3. It is of course quite likely that the press report is not correct. I am not sure what reply I should give to Todd. I would therefore be most grateful if you could let me have your views at your convenience.

4. I enclose a copy of the press report for facility of reference.

Yours sincerely,
C. M. Trivedi

The Hon'ble Mr. H. K. Mahtab, M.L.A.,
M.L.A. Bungalow No. 6,
Windsor Place, New Delhi.

**Note of Hon'ble Sri H. Mahtab's interview with
Sri Conrad Corfield, on 23-1-1947.**

Interviewed Sir Conrad Corfield in his office at 3 P.M. Mr. Wakefield was also present during the interview.

At first Sir Conrad Corfield began by saying that the Constituent Assembly had not done the right thing in restricting the scope of the Negotiating Committee. We had a brief discussion on the subject. I could see the point that the Rulers would first like to know under what terms they would join the Indian Union and then if they decided to join, the methods by which representation to the Constituent Assembly would be made, could be determined.

Then I enquired as to what Sir Conrad Corfield did for us in Raipur. Sir Corfield asserted that he warned the Maharaja of Patna and he hoped nothing untoward would further happen. Then I insisted that the Maharaja of Patna had no right to start or encourage any agitation in favour of separation of Sambalpur for Sambalpur as a district of the Province could not be converted into a State. Mr. Wakefield agrees that under the existing law the boundary of a Province could not be changed in any circumstances except under some provisions of the Government of India Act and in no circumstances a district could be converted into a State. Sir Corfield promised that he would warn the Maharaja of Patna again.

I mentioned the absurdity of the Political Department's suggestion that the Ministers should inform the Political Department ahead of their intended visit to States. Sir Corfield seemed to have known my suggestion for reciprocity and he said that he would mention the matter to the Chancellor of the Chamber of Princes.

Then we discussed about the working of the Interim Government for some time. Sir Corfield was complaining that his help was not being sought in matters in which he could help and because he was an Englishman, all his suggestions were

being looked upon with suspicion. I suggested to him to contact Sardar Patel with whom I would have a talk about the matter. He agreed to explain everything to Sardar Patel.

I enquired about the proposed confederation of Deccan States. Sir Corfield appeared to be against that confederation because the areas were not geographically contiguous and also for some other reason. It seemed to me his argument had some force. So far as the Eastern States Agency was concerned, I assured Sir Corfield that there would be no hostility with the Political Department; on the contrary I would seek all co-operation from it. Sir Corfield said that as soon as all the States of India were divided into regions, he would render all possible help to the Orissa Province for its scheme of bringing about one administration with the States.

Then we had some discussion about other States and I left at about 4.30 P.M.

H. Mahtab
Camp : 12 Windsor Place
New Delhi,
23-1-1947.

D.O. No. C. 30-6/46 P.

Eastern Residency Camp
The 8th January, 1947.

My dear Trivedi,

I spoke to the Maharaja of Patna about the Hirakud agitation when he came to Raipur for the Rulers' Conference.

He was quite open about his attitude.

2. He denies inciting the agitation against the Hirakud Dam and is well aware of its potential benefits to all.

3. He welcomes the move in Sambalpur to join the Eastern States Federation and sees nothing objectionable in such a move pointing out the many proposals in other parts of India for new Provinces.

4. As you probably know the Patna Rulers have always claimed that they were unjustly deprived of certain Sambalpur territory by the British when they took over from the Bhonsles. Only a few years ago the present Maharaja of Patna, unsuccessfully memorialised the Viceroy for the rendition of these parts. He however appreciates that such matters can only be settled by negotiation and through the Constituent Assembly.

5. As regards Mahtab's resentment at his attitude over the move to create a new province of Hiraikud, Mahakoshala or the Eastern States Federation he, as I expected, referred to the continuing agitation by the Congress Party of Orissa to discredit and undermine the Rulers, both within and without the States. He particularly referred to :—

- (a) Mahtab's speech reported in the New Orissa about merging (I wonder if Mahtab's letter of correction was printed in all papers ?).
- (b) Mrs. Malati Chowdhury's school "Bajiraut" in Angul for no other purpose than to preach sedition to State subjects.
- (c) The New Orissa's scurrilous campaign in spite of the verbal assurances given by the owner and editor to the Maharaja of Patna.
- (d) No Orissa Congress paper will print any information or correction sent to it by a State.
(The Rulers refuse to believe that the senior members of the Congress Party in Orissa have no control over the Congress owned papers.)
- (e) Mr. Sarangadhar Das, a Congress M.L.A., of Orissa, has been going round all the States, holding public meetings and exhorting the people to kick out the Rulers. Many Darbars have tolerated the visits of this outsider legislator of Orissa, in the interests of freedom of speech but the abuse of the courtesy does not increase the [confidence of the Rulers in the

chances of establishing mutual respect and good-will between the State administration and the Orissa Government.

The Maharaja says that other Congress workers too have been touring in the States claiming to be emissaries of the Congress Ministry.

- (f) A strike was engineered in the College at Balangir by Congress workers from Cuttack.
- (g) Similarly, agitators from Cuttack stirred up a strike in the State Press although it was well known that the State had set up a Pay Committee. It was clear that this strike resulted from subversive propaganda by agitators from Cuttack who had been allowed to come into the State and hold meetings.
- (h) Villagers of Patna were incited to defy the customs barrier controlling movement of food grains.

6. The Maharaja mentioned other incidents which in his mind conclusively proved that deliberate campaign had been fomented from Cuttack to embarrass his Government. In view of all this subversive activity from Orissa he asks how could it be expected that he would not welcome a move in Sambalpur to re-establish the old hereditary association with Patna and neighbouring States ?

7. However, he told me of the talk Mahtab had with the Nawab of Bhopal details of which had just arrived and entirely agreed that if the Orissa Ministry really meant publicly what they said privately, and showed some courage in publicly disowning the activities of their lesser ranks, at present so busy fomenting hatred and contempt of Darbar authority, then the States should reciprocate in every way and play their part in building up such mutual respect and good-will as to facilitate happy co-operation in the best interests of the people.

8. I hoped that the Maharaja would be able to visit Cuttack shortly but he says that such bitter feeling has been

stirred up against him there that he feels it would hardly be judicious—or comfortable—for him to go there at present.

Yours sincerely,
H. J. Todd.

His Excellency Sir Chandulal Trivedi, KCSI, CIE,
Governor, Orissa.

Copy to Political Agent Chhattisgarh States, with copy of Governor's D.O. No. 1148-G.O. dated 22nd December 1946.

GOVERNOR, ORISSA.

Government House,
Cuttack.

D.O. No. 94-G.O.

The 25th January, 1947.

My dear Todd,

I am sorry I have not acknowledged so long your D.O. No. C.30-6/46-P. dated the 8th January, 1947, regarding the activities of the Maharaja of Patna. I gave a copy of this letter to Mahtab, and I summarize his reactions in paras 2 to 4 below.

2. However much the Maharaja of Patna may deny his association with the anti-Hirakud Dam agitation, the information which we have and which has been communicated to you from time to time shows that he is mixed up with this agitation. Only a few days ago it has been reported to us from Sambalpur that the members of the anti-Hirakud Dam Committee went to Balangir about the 13th of January. They are said to have held a secret discussion with the Maharaja about the formation of the proposed Koshala Province. The Maharaja is said to have received the members cordially and they have been given a patient hearing about the agitation in connection with the Dam and the action taken by the Orissa Government against the leaders under section 144 C.P.C. He is said to have assured them that all possible help from the State for the

furtherance of the agitation would be forthcoming. He is also said to have given them an assurance that the State newspaper "Patna Dipika" will in future openly help the anti-Hirakud Dam Committee by publishing the grievances of the people of the Sambalpur District.

3. As regards the Maharaja's attitude towards the agitation for the separation of Sambalpur from Orissa and the formation of a separate Hirakud Province, my Prime Minister's point is that the fact that Sambalpur was at one time under the Maharaja of Patna does not justify him in carrying on an agitation in his State paper, though doubtless it is open to him to take constitutional means for redressing what he may consider a wrong done to him. My Prime Minister further points out that there is no real analogy between the "Dipika", which is a State organ, and the Orissa papers which are not issued under the auspices of the Orissa Government. The Congress organisation in Orissa and the Provincial Government are two different entities, though the Members of the Provincial Government in their capacity of leaders in the Congress organization may be in a position to bring some influence to bear in the matter of the attitude of the members of the Congress towards the States

4. It is not at present necessary to enlarge on this subject as Mahtab, who is thoroughly dissatisfied with the attitude of the Maharaja of Patna and also with the outcome of your discussions with the Maharaja at Raipur, told me that he proposes to mention the matter both to H. E. the Viceroy and Corfield at Delhi. Mahtab had hoped that your discussion with the Maharaja would have resulted in :—

- (a) the disassociation of the Maharaja from the agitation against the Hirakud Dam; and
- (b) the cessation of the campaign :
 - (i) against the Orissa Government; and
 - (ii) for the separation of Sambalpur from Orissa in "Dipika" which is admittedly a State paper.

But so far as he and I can gather, the position will remain exactly the same as before. It may be necessary for me to write to you again on the subject after I hear from Mahatab the results of his discussion with H. E. the Viceroy and Corfield.

5. Thank you very much for your letter No. C.30-6/46-P. dated the 15th January, 1947, which I received in Camp a few days ago. The main point is not that it is both unseemly and impolitic to descend to a slinging match, but that it is quite wrong that this kind of writing should find a place in a State paper.

Yours sincerely,
C. M. Trivedi.

The Hon'ble Mr. H. J. Todd, C.I.E.
Resident, Eastern States Agency,
Hastings House, Alipore,
Calcutta.

Copy of secret demi-official letter dated the 10th February 1947 from the Ruler, Patna State, to the political Agent Chhatti-garh States, Raipur.

Reference your demi-official letter No. 684/T, dated the 24th January 1947, I write to say that the Patna 'Dipika' is a State publication. Whatever expenditure over and above the amount realised from subscriptions, is required for running it, is met from the State funds. The general policy is also controlled by the State but in the matter of details etc., the Editor exercised his own discretion and enjoys as much freedom as is compatible with such a position.

2. On my return from Raipur, in view of the decisions arrived at, in the discussion between His Highness the Chancellor and Mr. Mahtab, I have already given instructions that no articles or editorials which indulge in personal attacks or unseemly or indecorous language, should be published in the Dipika. However, to ensure greater strictness and care in the

matter, I am asking the Chief Secretary to my Government, to scrutinise personally all the materials before their release for publication in the Dipika. I hope this measure will suffice as far as the Dipika is concerned, but no doubt, you will appreciate that the attacks and counter-attacks that have now in course of time gathered a momentum of their own, like the pendulum, can only come to complete rest, after a few oscillations of gradually diminishing magnitude.

3. In this connection I may observe, as you might have noticed that, whatever has been written in the Patna Dipika, has been only in reply and retaliation to the attack and insinuation by the other party. It may be interesting to note that only after Mr. Mahtab's criticism of 'Whither Koshal?' and the direct threat held out by him to Patna, followed by the resolution passed by some State students and Congress workers at Cuttack, calling upon the Orissa Government to put the State Rulers under arrest (obviously at the instance of Mr. Mahtab and his followers) the tempo of some of the protagonists on this side, quickened and as a result, they tried to hit back, perhaps a little too hard. Further, as is well known, it was Mr. Mahtab who started this agitation for amalgamation of States with the Province of Orissa and only as a counterblast, the movement for amalgamating Sambalpur with the Eastern States and forming the Koshala Province was launched. Again the Orissa Press politicians were the first to indulge in unseemly and uncalled for criticisms of the States and their administrations and instead of taking this lying down, there have been retaliation and counter-attacks. However, now it has been settled that friendly negotiations should not be prejudiced by unfriendly acts on either side, and so I am doing my best to improve matters on our side.

4. My comments on the note of discussion between His Highness the Chancellor and Mr. Mahtab will serve to clarify the position still further.

5. The Note which I promised the Hon'ble the Resident has been sent sometime back and it must have reached him by this time.

6. The original copy of translated extracts from the Patna Dipika is returned herewith as desired, but I may observe that in many places, the translation does not represent the true import of the original Oriya passage.

With kind regards,

SECRET

The Hon'ble Mr. H. J. Todd, C.I.E.,
Resident for the Eastern States,
D.O. No. W-3-7/44

"STONYLANDS",
Camp Shillong,
The 10th Octr., 1946.

My dear Herbert,

I enclose copies of the correspondence cited in the margin for information.

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|---|---|
| <p>1. His Excellency the Governor of Orissa's D.O. letter No. 743 G.O. D/22nd August, 1946 and D.O. letter No. 933 G.O. D/8th Octr., 1946 to the Resident, Eastern States.</p> <p>2. Resident, Eastern States, D. O. No. W-3-7/44 D/10th Octr., 1946 to H. E. the Governor of Orissa.</p> <p>3. Political Agent, Chhattisgarh States' D.O. No. P. 2 (5)-11 (2)/46 D/13th Sept., 1946 to the Secretary to the Hon'ble the Resident for the Eastern States.</p> | <p>2. The Maharaja of Patna's dreams of a restoration of the old kingdom, or federation, of the Athara Garh-jats is of interest. One is tempted to retort that in such a case it would be a question of restoring them all to the Maharattas. I shall, of course, advise him to be very careful of getting mixed up in such an agitation.</p> |
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The Hon'ble Mr. C. G. Herbert, Esq.,
C.S.I., C.I.E.,

Political Adviser to His Excellency
the Crown Representative.

Yours sincerely,
Sd/- H. J. Todd.

SECRET

THE GOVERNOR, ORISSA.

GOVERNMENT HOUSE,
CUTTACK.

D.O. No. 212 O.O.

The 2nd March, 1947.

My dear Prime Minister,

I have just heard from His Excellency the Viceroy that Corfield has again warned the Maharaja of Patna against associating himself with any agitation against the Orissa Government. Corfield adds that the Orissa Rulers feel that the Ministry could exercise a restraining influence over the Congress Press and Congress agitators who tour in the States if they wish to, and that the Maharaja of Patna feels that he should not be asked to suppress a newspaper printed in the State if the Ministry do not do anything about press criticism by newspapers printed in the Province. I have discussed this matter with you several times, but would be glad to have one further discussion about it. I have replied suitably to His Excellency the Viceroy pointing out that there is no real analogy between the Patna 'Dipika', which is a paper sponsored by the Patna Durbar, and the newspapers in this Province which are not sponsored by the Orissa Government.

Yours sincerely,
C. M. Trivedi.The Hon'ble Mr. H. K. Mahtab, M.L.A.,
Premier, Orissa, Cuttack.

APPENDIX XX

CONFIDENTIAL.

D.O. No. F. 104 (2)-C/46.

BOLARUM,
the 7th/8th August, 1946.

My dear Griffin,

Would you please refer to Herbert's D.O. letter No. F.14-R (S) 46, dated the 25th July 1946, addressed to Todd in reply to his query regarding the grouping of States ?

2. Has the Political Department borne in mind the possibility that it might be in the interest of Bastar, and possibly also of Kanker, to come in with Hyderabad as a Political unit, instead of grouping with the other C. P. and Orissa States.

Geographically these lie close to Hyderabad and it is hoped Bastar will shortly be linked to Hyderabad by railway. If Bastar's economic resources are to be developed, this would seem most likely to be done successfully in association with Hyderabad which has unlimited capital, and mineral resources complementary to those of Bastar. Hyderabad has moreover recently done a lot for the welfare of its large population of aborigines, and Bastar at least is mainly populated by aborigines.

Yours sincerely,
A. C. Lothian

To

L. C. L. Griffin, Esq., C.S.I., C.I.E., I.C.S.,
Secretary to H. E. the Crown Representative.
New Delhi.

SECRET

Chhattisgarh States Agency,

Raipur,

Dated the 11th September, 1946.

D.O. No. XP-1(3)/46.

Future of Small States.

My dear Napier,

Please refer to your secret demi-official letter No. C.30-13/46-P. dated the 31st August, 1946.

2. I have no special comments to make except to share the concern of the Rulers of the Eastern States should any minority State not join or be able to join any satisfactory composite Unit which the Eastern States may succeed in forming. Failing the formation of such a Unit, I agree that it is scarcely a case in which Political Officers can move, and the Ruler should be entitled to make his own decision when he comes of age. The same right should, in fact, apply to a minority State remaining within a composite Unit after the Ruler comes of age, but I feel that the Political Officers, or the Crown Representative can make a decision on behalf of a minor Ruler to join a Unit in which all the other full-powered States have agreed to participate, on the assumption that had the Ruler been of age he too would almost certainly have also agreed.

3. With regard to the particular proposal that Bastar and perhaps, Kanker, should go in with Hyderabad to form a composite Unit, I have frequently considered this possibility myself and failing the formation of an Eastern States Unit I would be inclined to advocate this course for Bastar and Kanker, and should like to sound the Ruler of Kanker, not now, but later, if and when it is clear that no Eastern States Unit will form. Presumably if Hyderabad were keen on the idea, they would make their own approach. Much, naturally, would depend upon the precise nature of the proposal and the guarantees they could give.

4. I suppose a much bigger Unit would not be feasible, viz., Hyderabad, Eastern States and Orissa ? With Hyderabad in the Unit the smaller States (which would still have to join as a Unit within a Unit) would not feel so afraid of Orissa.

Yours sincerely,
F. C. L. Chauncy
Political Agent,
Chattisgarh States.

Major. A. Napier,
Secretary to the Hon'ble the
Resident for the Eastern States.

SECRET & PERSONAL

D.O. No. 586 G.O.

GOVERNOR,
ORISSA.

Government House,
Puri.

The 4th June, 1947.

My dear Prime Minister,

I enclose for your information a copy of a letter which I have sent to the Resident for the Eastern States.

Yours sincerely,
C. M. Trivedi

The Hon'ble Mr. H. Mahtab, M.L.A.,
Premier, Orissa, Cuttack.

GOVERNOR, ORISSA

Government House,
Puri.

D. O. NO. 585 G.O.

The 4th June, 1947.

My dear Harvey,

Please refer to my D.O. No. 553 G.O. of the 27th May, with which was enclosed a copy of a report from the Deputy Central Intelligence officer about the alleged negotiations between some Rulers of the Orissa States and the Hyderabad State. I have now received a report that one Mr. Jaffri, a retired Judicial Officer of the Central Provinces and a prominent Muslim Leaguer of Raipur who has recently been appointed as the Home and Judicial Member of Bastar State, has been associating himself with the Jagdalpur Town Muslim League of which he has recently been nominated as the President. I am only interested in Bastar in so far as it borders on the Koraput district of this province. Bastar is being administered by the Political Department, and, if the report is correct, it seems to be quite wrong that a servant of the State should be openly associating himself with political and communal activities. I should be very grateful if you could have the report verified and, if it is a fact that Mr. Jaffri is acting in the manner alleged, I hope it will be possible for you to take suitable steps in the matter. In British India we would not tolerate open association of Government Officers with political and communal organisations, and the same code of conduct should, I think, prevail at least so long as Bastar State is being administered by the Political Department.

Yours sincerely,
C. M. Trivedi

The Hon'ble
Lt-Colonel C. W. L. Harvey, CIE., OBE., MC.,
Resident for the Eastern States,
Hastings House, Alipore,
CALCUTTA.

SECRET

Eastern States Agency.

Hastings House, Alipore,
Calcutta 27,

D.O. No. 2191.

The 31st, October 1947.

My dear Desai,

Please see my demi-official letter No. 2189 dated the 29th October 1947.

2. I enclose a cutting from the Statesman of the 31st October 1947 from which it will appear the five aboriginals who were arrested by the Balasore Police on the 30th October were those coming from the Hyderabad hill tracts. The Hyderabad border even at the nearest point to Nilgiri as the crow flies, is at a distance of about 450 miles. If it is true that the men arrested actually came from Hyderabad hill tracts, it is not unlikely that small batches of aboriginals from Hyderabad might have infiltrated into other States of this Agency. If some of them could go to far off Nilgiri, it will not be surprising if several of them had already infiltrated into Bastar, Kanker, Kalahandi, Patna, Sonapur, Baudh and other adjacent Orissa States.

3. It is understood that Nizam's Government were scheming on a corridor to Eastern Pakistan (undivided Bengal) before the partition of Bengal as, except for a small strip of about twenty miles of Orissa territory between Bastar and Kalahandi, they could pass to Bengal through the States of this agency. It is understood that on the report of the Orissa C.I.D., His Excellency the Governor, Sir Chandulal Trivedi, reported the matter to the late Resident, Colonel Harvey. Any infiltration into the States of this Agency could take place conveniently through the Bastar State.

4. Mr. Grigson who was till recently the Revenue Member in the Hyderabad State was for some years the Administrator of the Bastar State. He wrote a book on the Marias for which the Bastar State gave him a subsidy. I understand Mr. Grigson

has opted for service in Pakistan. He made friends among the Pargania headmen of the aboriginals as he came into frequent contact with them and used to bestow small favours to them in order to collect material for his book and also among the contractors several of whom are Muslims. Mr. D.R. Rutnam, I.C.S. of the Central Provinces was also Administrator, Bastar, for some years and this gentleman was till recently the Secretary to the Chamber of Princes. These two officers have intimate knowledge of the Bastar State. They know the idiosyncrasies of the aboriginals as well as their temptations and frailties. There are several Muslim officials and contractors in Bastar. The head of the Settlement Department is a Muslim. The head of the Excise Department is a Muslim. There are several among the police officials who are Muslim. There is a Muslim family in Bastar which owns 120 villages on Thekedari right. In south Bastar there were some Kabuli money lenders. I do not know the position in recent years. Only a few months before August, 1947, Major Chauncy strongly recommended one Mr. Jaffri, retired District Judge of the Central Provinces, as the Judicial Member of the Council. His character roll which was obtained from the Central Provinces Government showed that he was not of the right type—one entry indicated that he was communal-minded. This office opposed his appointment but it was approved by the Resident as he was strongly recommended by Major Chauncy.

5. Apart from the above, Bastar was for several decades an Anglo-Indian Raj. From about 1895 onwards the following were in charge of the State as Diwans, Superintendents or Administrators. Colonel Fagan, Rai Bahadur Panda Baijnath, Langhorn, May, Khan Bahadur Hafiz Mohammad Walayotullah, Tucker, Grigson, Rutnam, Hyde, Radhakrishnan, Mitchell, Major Battye, Alderson. Of these, Khan Bahadur Walayotullah, Tucker and Alderson were Provincial Service officers. Messrs. Mitchell and Battye were of the Indian Political service, while Grigson, Rutnam, Hyde and Radhakrishnan were I.C.S. officers of the Central Provinces. The late Ruler, Raja Rudra Pratap Deo, who died in 1921 never got full powers as the State

was under financial control. At that time Khan Bahadur Hafiz Mohammad Walayatullah, father of Mr. Ikramullah, I.C.S. was the Dewan of the State when he liberally distributed patronage for timber contracts to Muslims. Mr. Rutnam may be classed as Anglo-Indian; Dr. Mitchell, I.M.D., the Chief Medical Officer, was the power to count and subsequent additions were Mr. Plumley, Engineer, and Mayberry, the Superintendent of Police. Mr. Radhakrishnan, I.C.S. of the Central Provinces, the only Indian, I understand, had not an easy time with this Anglo-Indian trio and he had ultimately to leave. After Mr. Radhakrishnan and Mitchell, Major Battye of the Indian Political Service was Dewan and when he left, Mr. Alderson, retired Provincial Service officer of Bihar, was given the job and was flown from England. He left in August last. Except for a period of two years when Mr. Radhakrishnan was the Dewan, the State was continuously served by Anglo-Indians for 25 years. As a result of this, some at least among the aborigines who were liberally served with drink and tobacco by the 'Sahibs' used to regard these White masters as 'Mabap'. A regular feature of a Political officer's visit to the State was aborigines dances when the men were served with liquor profusely. Another factor which helped to build up such mental make-up among some of the aborigines is the close association of Mr. Grigson, while as Administrator and subsequently while on leave for writing his book and also of Mr. Elwin, who is considered an authority in anthropology as they had to come in close contact with the aborigines to collect material for their works.

6. I understand an Association has been started in Bastar of the '*Bastarias*' proper, meaning the original inhabitants including the aborigines, whose political programme is to protect the interests of the local inhabitants. Lal Bharat Singh, brother of a zamindar of Paralkot in Bastar, and a sorry specimen of the Rajkumar College, Raipur, wrote sometime ago a letter to Mr. Krishna Rao, Director of the Union Secretariat giving the Union Secretariat the support of the *Bastarias* as against the Praja Mandal and Congress organisations whom he dubbed as

outsiders. What I wish to emphasise is that unless the greatest care is taken by the Bastar State authorities there is risk of their being caught unawares, as neighbouring Hyderabad with its long purse is capable of doing anything. It is rumoured Jaipal Singh, Adibasi leader, is subsidised by the Nizam's Government as was M. N. Roy at one time by the Indian Government. Hyderabad is disgruntled by its failure to secure the Bastar iron ore lease before the 15th of August in spite of the best endeavours of those in high authority. One Khan Sahib Tahir Bhai, one of the three partners of Messrs. A. Ahmedjibhai, Raipur, having business in Bastar, who has close relatives at Hyderabad, was, I understand, the underground mediator in connection with this lease between the Hyderabad and Bastar State and he maintained contacts between Mr. Grigson at the Hyderabad end and the Dēwan at the Bastar end. Major Chauncy was particularly interested in this lease and his sending Mr. Jaffri as Judicial Minister had, it is understood, something to do with this. Unfortunately, British Government's decision to leave India had come rather too soon. Major and Mrs. Chauncy came to Calcutta about the 11th of July. It is understood Major Chauncy wanted to become Dewan of Bastar after Mr. Alderson but this did not find favour with the Resident, Colonel Harvey. When he failed in this endeavour, he switched on Rao Sahib Ragho Raj Singh, Dewan of Surguja, who was also then in Calcutta, for Bastar and on the 13th of July Major Chauncy was closeted in Hastings House with Rao Sahib Ragho Rai Singh with the Bastar lease file for nearly four hours. I do not know what happened during these talks but until it was known sometime later that the negotiation for the lease had fallen through, those interested in the welfare of Bastar were naturally apprehensive. From the Hyderabad border to Bailadila iron ore areas, it is hardly 100 miles with a good fair weather road. The country is sparsely populated and the local Marias can be easily tempted by plenty of drink and tobacco. Hyderabad's negotiations with the Indian Dominion seem to have come to a deadlock and in the difficult times ahead, it is not inconceivable that Hyderabad may do some propaganda and encourage infiltration with a view ultima-

tely to carve a slice out of Bastar if the difficulties and preoccupations of the Government of India serve them as an opportunity. I sincerely hope that my forebodings may not prove correct but in any case, I submit we cannot afford to remain complacent, and should henceforth regard Hyderabad as a potential danger, particularly in a terrain sparsely but predominantly inhabited by plastic aboriginals and administered by Rulers and their officers whose loyalty to the Indian Government is yet to be tested. I therefore suggest that if you have no objection, you may give a bit of your mind to Rao Sahib Ragho Raj Singh who will, I believe, be in Delhi for the Constituent Assembly and find out from him how he proposes to guard against this eventuality, how far his assurances can be relied upon and what practical measures should be taken to protect Bastar.

Yours sincerely,
Herbert,
Officer on Special Duty.

C. C. Desai, Esq. C. I. E., I. C. S.,
Additional Secretary to the Government
of India, Ministry of States, New Delhi.

APPENDIX XXI

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19. Raja of Nilgiri saw me today to ask for return of his Powers to enable him to contact his people and with their support to the grouping scheme.

20. I spoke of his unpopularity and fact that he would have to face agitation from Congress men and state agitators in Orissa and in his State. He contended that his people would be with him and agitation could achieve nothing. I expressed doubt of his ability to counter it effectively.

21. I spoke of my responsibility not only for Nilgiri but also for other States—the *band* launched in Nilgiri would not only let in the flood to the State but all the area around.

22. He certainly could not return except as a strict constitutional Ruler with a Council, including if possible a local and a written Consitution.

23. I spoke of my doubts of the success of a Group if considerable residuary powers were left with such uneconomic small units as Nilgiri.

24. Later I mentioned Dhenkanal case to the Maharaja of Patna and he certainly agreed that at this delicate sanction no risk should be taken by allowing a badly administrated or unpopular state administration endanger the Union. He had always favoured some convention by which a committee of more responsible Rulers could bring influence to bear on a weak colleague who was endangering all the other States. He considers that in their proposed Grouping there must be Provision for action by the Group Administration when a member State fails to come up to the general standard thereby threaten disgrace of the Group with inevitable disruption.

H. J. Todd
Resident, 21-7-46

SECRETPolitical Department
EXPRESS LETTER

From—Polindia, New Delhi.

To

The Residents—Hyderabad, Mysore, Central India, Rajputana, Western India, Rajkot, Punjab States, Eastern States, Kashmir, Gwalior, Madras States and Kolhapur.

Memorandum No. F. 169-P(S)/47.

Dated, New Delhi, the 27th June 1947.

Removal of restrictions on the administrative powers of certain Rulers.

Reference paragraph 1 (a) (iii) (1) 5 of the minutes of the Residents' conference.

2. Owing to the acceleration of the date of the lapse of paramountcy, it is no longer practicable for the Crown Representative to supervise the relaxation of restrictions on the Rulers in question. The desirability of such measure of constitutionalization or preparation therefore as time permits or the circumstances of the State suggest, and, where appropriate, of administrative integration, much still be pressed on the Rulers concerned and the opportunity taken to secure the maximum progress towards the desired end. But in supersession of all earlier instructions in individual cases, full discretion is given to all Resident to remove restrictions imposed, whether on account of recently ended minorities or owing to incompetence, without waiting for the final result envisaged in the paragraph of the minutes under reference as a pre-requisite for their removal.

3. In cases where the Resident considers that the Ruler concerned is quite unfit to exercise powers without restraint, or where he adopts a wholly un-cooperative attitude, the restrictions may be left in full force; and though they will disappear

with paramountcy, the stigma of their retention to the end will deservedly remain.

4. No reports are required regarding the action taken by Residents.

5. This disposes of your demi-official letter No. 1140-
To C.I. C/77/47, dated June 14, 1947 and your endorsement
only No. 1143- C/77/47, dated June 14, 1947.

To Raj- 6. This disposes of your express letter No. C/3-47,
putana only. dated June 11, 1947.

7. This disposes of your demi-official letter No. R-2 (12)-C/42, dated June 2, 1947. You will, however, since have appreciated, from other communications received, that it is necessary to aim in Nilgiri for more than the promulgation of more administration Rules. Such Rules are complementary to, but not a substitute for a Constitution under which popular checks are to be provided on the arbitrary exercise of power.

The issue of the above has been authorised.

Sd/-
For Secretary to His Excellency the
Crown Representative.

APPENDIX XXII

Orissa Government's Press Communique dated 15th November 1947.

The Government of Orissa have authorised the issue of the following Press communique with a view to take the general public into confidence in regard to the developments in the Nilgiri States which culminated in their taking over its administration yesterday under the authority of the Dominion Government. Nilgiri is a small State on the north-west border of Balasore district in the province of Orissa. It has an area of 284 square miles and a population of about 75,000. Owing to its contiguity to the province of Orissa (the headquarters of the State being only about 15 miles from the head quarters of the Balasore district), the State of its internal administration, and particularly its law and order position, have always been a matter for concern to the Government of Orissa. They have watched with the deepest anxiety the political developments in the State and the steady deterioration in its administration that have occurred during the past three weeks. Reports received from the district officer of Balasore during the last week of October indicated a most unsatisfactory political situation due to the reported determination of Ruler to suppress the Praja Mandal party and the movement sponsored by it to secure responsible government in the State. It appeared from the reports that the Ruler had succeeded in forming a party of his own consisting mostly of aboriginals and had besides recruited a number of Gurkha armed guards in his police force and obtained from the Eastern States joint police force two platoons of armed police consisting mostly of Punjabi Muhama-dans. The leaders of the Praja Mandal party, on the other hand, were reported to be making preparations, in view of the Ruler's attitude their demand for responsible Government, to

launch a struggle for wresting power for the people. The Praja Mandal Party's immediate objective appeared to be to set up a provisional Government on the border of the State, to capture thana officers and other State officials in order to paralyse the State administration, to raid the State grain-golas and to resort to social boycott and picketting.

2. These preparations on both sides made a clash inevitable and the clash occurred in the course of a very few days. The just or fancied grievance of the aboriginal supporters of the Ruler were exploited to put them in a rebellious mood and to induce them to imagine that the Praja Mandal Party were responsible for all their short-comings, for their inferior position in the economic and social life of the State and indeed for all wrongs done to them in the past. The Government of Orissa are in possession of adequately verified reports from responsible quarters which establish beyond any reasonable doubt the existence of a state of lawlessness and terrorism since about the end of October, Aboriginal tenants started to take forcible possession of land belonging to non-aboriginals and move about in batches in different parts of the State armed with bows and arrows looting paddy from fields, announcing that paddy lands belong to them and killing and injuring those who dared to resist them. They were led by one Sandhya Singh who had been convicted for murder and imprisoned but who was released on the 15th August, 1947. The State police took little notice of the complaints made to them against these acts of terrorism and aggression. On the 29th October, two dead bodies were brought into Balasore by the Praja Mandal workers besides two men seriously wounded who were admitted in the Balasore hospital. On the 31st October the District Magistrate, Balasore, contacted the Ruler of Nilgiri who pleaded that the situation had gone beyond his control and that he was unable to put down the prevailing disorder in the State with the small force at his disposal. It was indeed fairly obvious that about this time the administration in the State had completely collapsed, and the State authorities were unable to afford protection to their law-abiding people. Practically the only property which was secure

in the State was the palace of the Ruler and its immediate precincts which were heavily guarded by the armed guards whom the Ruler had recruited or obtained from the Eastern States Joint Police force. It is remarkable that the three senior-most officers of the State, namely, the Dewan, the Assistant Dewan and the Civil Officer were absent on leave throughout this period; and the Superintendent of Police was under notice of discharge. Arrangements for delivery of mails at Raj Nilgiri sub-post office broke down towards the end of October due to the prevailing lawlessness in the State and telegraphic and postal services ceased to function. Exchange of mails with the sub-post office could be resumed under armed escort, only on the 6th November 1947. Even the public bus plying between Nilgiri and Balasore could go only up to the border of the State.

3. It was obviously not possible for the Government of Orissa to watch these developments in a neighbouring State with complete unconcern. They took prompt action to bring, all the relevant facts to the notice of the States Ministry of the Dominion Government, to which Nilgiri had acceded; and they also took such action as was possible within their own territories to ensure that the aboriginal unrest in the State does not spread to the adjoining district of Balasore which also has a considerable aboriginal population. After due consideration of the facts presented to them, the Dominion Government authorised the Provincial Government by a telegram on the 8th November 1947 to depute the district officer of Balasore with an adequate force to take over the administration of the State and to restore law and order.

4. Events had meanwhile moved fairly fast. The Praja Mandal party decided at a meeting held on the 1st November to serve an ultimatum on the Ruler that unless he was able to put down the aboriginal rising within 36 hours, the Praja Mandal workers would take such action as they deemed necessary to restore peace and order and "the tenants will be compelled to devise ways to take up the administration of the

State in the hands of their representatives". It was at this juncture that the Eastern States Union of which Nilgiri, though an acceding State, is a member, intervened. Two members of the Board of Rulers of the Union visited Nilgiri on the 3rd November 1947, and at their instance negotiations between the Ruler and the Praja Mandal party for the formation of a responsible Ministry were resumed. It looked at one time as if the efforts of the Eastern Union for an amicable settlement would succeed. Although the Praja Mandal party under the leadership of Sri Kailash Chandra Mahanti decided to form a provisional Azad Nilgiri Government on the 4th November 1947, it agreed to negotiate with the Ruler and his advisers in order to explore the possibilities of forming a responsible Government, which would be able to restore law and order in the State. Up to a point these negotiations made unsatisfactory progress. By a public proclamation the Ruler of Nilgiri undertook to grant responsible Government, and on his invitation Sri Kailas Chandra Mahanti undertook to form a popular Government and take over responsibility for the administration of the State. It was in fact arranged that Sri Kailas Chandra Mahanti would assume office on the 14th November. In view of these later developments the Provincial Government decided to stay their hand and defer any action in the hope that with the struggle between the Ruler and the Praja Mandal Party being over, the affairs of the State would be satisfactorily settled and the points at issue between the contending parties would be resolved without their intervention.

5. These hopes had unfortunately been belied. Events took a turn for the worse on the 12th when there was a serious clash between the aboriginals on the one side and members of the Communist party working in the State on the other. Fire arms were used by at least one of the parties and a number of persons died in the melee. Elsewhere on the same day the aboriginals looted two villages and burnt down a number of houses. In the second place, latest information from Balasore indicated that the reported settlement between the Praja Mandal party and the Nilgiri darbar was once again being disputed. On the

13th November it transpired that the Ruler had intimated to Sri Kailas Chandra Mahanti that he would be only one of the Ruler's three Ministers and that the selection of the other two Ministers must be left to the Ruler ; and that Sri Kailas Chandra Mahanti had thereupon finally broken off the negotiations for the formation of responsible Government. On the same day the largest village in the affected area was completely gutted.

6. These fresh developments compelled the Government of Orissa to act on the authority which they had received from the Dominion Government on the 8th November. The completely chaotic condition in the State and the knowledge that there was no longer any hope of restoration of peaceful conditions without outside intervention forced their hands. It was obviously impossible for the Government of Orissa to wait any longer if further spread of lawlessness was to be prevented. Accordingly on the morning of the 14th November they authorised the District Magistrate of Balasore to proceed to Raj Nilgiri with an adequate force to take over administration from the Ruler. A telegram was sent to the Eastern States Union at Raigarh requesting them to withdraw their force from Nilgiri in view of the Dominion Government's decision to take over its administration. On arrival at Raj Nilgiri at about midday on the 14th November, the district officer and his colleagues contacted the Ruler who, the Provincial Government are pleased to be able to record, voluntarily handed over the administration of the State and issued a proclamation (which has been released to the press) expressing his gratitude to the Dominion Government in coming to his help and enjoining on all his subjects and his State Officials to extend their fullest support and co-operation to the new administration. The Provincial Government are also glad to record that the Eastern States Union force stationed at Raj Nilgiri was disarmed under the Ruler's orders and that the taking over of the administration was generally done in an entirely peaceful and orderly manner. With the approval of the Provincial Government the District Magistrate has widely published a proclamation setting forth the aims and objects for the achievement of which he has been

entrusted] with the task of administering the affairs of the State. He has said there *inter alia*—"I have been instructed by the Provincial Government to administer the affairs of the State with strict impartiality and to deal out justice to all sections of the public and all citizens without fear or favour. It will naturally be the constant endeavour of myself and my colleagues and subordinates to act up to these instructions and to discharge our duties and the trust imposed in us loyally and faithfully. My first task will naturally be to restore peaceful conditions in the States so that all law abiding citizens may be able to live in peace and security. Law breakers will be severely dealt with and all lawless elements will be ruthlessly put down. Now that the Dominion Government have taken over the administration, of the State, all sections of the people should realise that the State will have a strong and impartial and just administration. which will be always ready to sympathetically and justly deal with all legitimate grievances and complaints but which, on the other hand, will not tolerate anybody or any particular party or community taking the law in their own hands. If, therefore, any party or community has any grievances, they are invited to put them before me for consideration and I promise such redress as is possible in consultation with my superior authorities and the Government I represent. The grievances of the aboriginal community will in particular receive special consideration, as it is the policy of the new administration to take special care of tribal peoples and to make every possible attempt to solve their problems and to protect their rights and interests in consonance with the historic declaration of the Constituent Assembly of India. I must, however, warn all concerned that lawlessness or settlement of private or communal feuds by force will on no account be tolerated and that the utmost rigour of law will be applied to all those who offend against the law of the land. I appeal to the general public for full support and co-operation in the tasks that lie ahead of me and, in the name of the Dominion Government, I claim the allegiance of all State officials who will be maintained in their respective offices and trusted to loyally carry out the lawful orders of the new administration."

7. The Government of Orissa fully associate themselves with the above declaration of their policy in the administration of the State. It would be their earnest endeavour to ensure that their local officers adequately and fully discharge the responsibility that has been placed on them. A Minister of Government and the Revenue Commissioner of Orissa are camping at Balasore at the moment and organizing urgent measures for the rehabilitation of the administration of the State, the speedy restoration of normal conditions and the re-establishment of public order at the earliest possible moment. The Provincial Government would appeal to all Political parties and public bodies interested in the welfare of the State to extend to them their fullest co-operation and to refrain from doing anything which would make it difficult for them to discharge the responsibility they have, with the authority of the Dominion Government taken on themselves.

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APPENDIX XXIII

SECRET

EASTERN STATES AGENCY. Hastings House, Alipore,
Calcutta 27,
D.O. No. 2189 The 29th October, 1947.

Dear Mr. Desai,

Please refer to my demi-official letter of the 18th October 1947 in which I mentioned that a Ruler of a small State of this Agency has identified himself with the Adibasis of the State against the local Praja Mandal and that the tendency of the Rulers is to divide and rule as long as they can hold on. The State I had in mind is Kharswan. In my demi-official letter No. 2177 dated the 28th October 1947, I mentioned with reference to Seraikella that it is necessary to guard against the use of fire arms by others except those in charge of law and order. I now enclose a cutting from the 'Statesmân' of this morning from which it will appear that the dangers I mentioned in my two demi-official letters referred to above are present in the case of the small State of Nilgiri on the eastern coast, near Balasore district of Orissa. The Nilgiri State was taken under direct administration for several years on account of mal-administration and the Ruler had to live outside the State. He was allowed to return to the State a year ago and was restored full powers a few months before the 14th of August, 1947. Nilgiri is only a pointer and there are other States where aboriginals predominate and where the Rulers seem to show extraordinary love towards their aboriginal subjects as against others. This strange alliance may be welcome to Jaipal Singh and his lieutenants, whose sinister role in the present context is probably known to you. There are several States in this Agency in which aboriginals predominate and in their zeal to stifle the Praja Mandals, the Rulers seem to be playing a dangerous game which may even

wipe them out one day. Any risings of the aboriginals, say of Mundas in Gangpur, of Oraons in Jashpur, of Korwas and Bhuiyans in Surguja, of Murias and Marias in Bastar, of Khonds in Baudh, of Kols in Seraikella and Kharswan and Juangs in Keonjhar will bring disaster in their trail and the Darbars will be releasing forces which they would certainly not be able to control later on. We have an example in 1942 of the Dhenkanal Darbar using the Pans against the popular agitation. The criminal propensities of the Pans are well-known and in the agitation of 1942, they indulged in loot to their hearts' content as they were enlisted by the Dhenkanal Darbar as volunteers to suppress the popular agitation. The formal accession of several of these Rulers to the Indian Dominion seems more a camouflage than a genuine desire to co-operate with the Indian Dominion. The transfer of the control of the Eastern States Joint Armed Police to the Board of Rulers from the 1st of August 1947 is no doubt acting as an obvious advantage to the Rulers in that they could on their own accord draft and move these Police to any State in this Agency. I understand that from the beginning of August, the Joint Police Force have not yet been supplied with any ammunition but this would not matter so long as the contingent of the Joint Police Force is augmented by aboriginals and other paid converts to loyalty equipped with a miscellany of arms from the Raja's own shikar "armoury". I am afraid I may be considered rash were I to hazard the view that several of these Rulers seen to be taking the present difficulties of the Government of India as their advantage. The recent activities of some of these groups however lend support to this view.

2. I am not writing to Colonel Bedi who is now in Delhi as I am not sure if my letter would reach him before he had left for Nepal, but, if you see no objection you may kindly show this letter to him if he has not already left. As Colonel Bedi may not be returning to Sambalpur for another fortnight, I suggest that, if you consider it appropriate, the Government of Orissa may be requested to keep an observer at Balasore to collect facts and report to the Ministry of States.

3. Mr. Sarangadhar Das is now at Chakradharpur and the latest report dated Chakradharpur, the 28th October 1947 appearing in this morning's 'Hindusthan Standard' is that when he was addressing a meeting attended by about 8,000 people, the gathering was asked to disperse and on their refusal, the Police of the Seraikella State made a *lathi* charge.

Yours sincerely,
T. Satyanarayan,
Officer on Spl. Duty,
Eastern States Agency.

C. C. Desai, Esquire, C.I.E., I.C.S.,
Additional Secretary to the Government
of India, Ministry of States,
New Delhi.

SECRET

D.O. No. 1017.

Sambalpur,

Dated, the 15th November, 1947.

Dear Mr. Desai,

In connection with the troubles in Nilgiri I was told by McKeever, I-G.P. of the States Union Armed Police that the platoon which had gone to Nilgiri had no work to do as they had orders not to interfere unless ordered by the Ruler of Nilgiri. He thought that if the platoon had been used the Adibasi situation would have been brought under control in no time. It is obvious from this that the Ruler who is himself the principal trouble-maker in setting up the Adibasis against the Praja Mandal had some qualms of heart in acting against his own hirelings. At the height of trouble two Rulers from the Board of Rulers (Rajas of Baudh and Khairagarh) and the Chief Secretary of the States Union, Rai Sahib Hiralal Verma, visited the State and stayed for a couple of days. Apparently they were mere spectators and not advisers of consequence. If however they have given any advice to the Ruler of Nilgiri and he has not accepted it, then it shows, if any, how impotent the Union is. The Ruler of Nilgiri has not profited by the loss of power and his exile from the State from 1942 to 1946.

2. Last night Mr. Senapati, Revenue Commissioner, Orissa, sent a telegram to McKeever that the Orissa Police marching into Nilgiri. This was presumably after the breakdown of the negotiations with the Praja Mandal. McKeever asked Hutchins O/C at Dhenkanal by wireless to proceed at once to Nilgiri so that he may see that the Union Armed Police platoon did not resist the Orissa Police even if they were foolishly ordered by the Raja to do so. Under the arrangements of Union Armed Police once they are placed at the disposal of a Darbar they have to act under orders of the Darbar which in this case is the Raja of Nilgiri. There were rumours here yesterday that the Orissa Government are taking the State under administration under instructions from the Ministry of States.

3. The consensus of opinion is that the Raja has lent support to the Adibasis to revolt against the Praja Mandal. Recently in reply to an address from the subjects of Seraikella and Kharswan States the Premier of Bihar warned these smaller Rulers that if they thought they would be able to retain their rule by fomenting Adibasis against the non-adibasis they were entirely mistaken. No one will be sorry if Nilgiri is sent out again. His exit may well serve as an eye-opener to other Rulers of his way of thinking. Nilgiri State is the cynosure of all eyes now in the Orissa States and when the issues are settled there, Praja Mandals in other States will take up their case, particularly in those States where the Rulers are objects of hatred who do not by any standards deserve to exist as such. The erstwhile admirers of Bhopal who were sending him S.O.S. for advice and assistance will be the first to come to grief.

Yours sincerely,
T. Satyanarayan.
Officer on Spl. Duty.
Eastern States Agency.

C. C. Desai, Esquire, C.I.E., I.C.S.,
Additional Secretary to the Government
of India, Ministry of States,
New Delhi.

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SECRET

D.O. No. 1029.

Sambalpur,
Dated the 17th November, 1947.

Dear Mr. Desai,

McKeever, I-G.P., E. S. Union Armed Police, left this morning for Cuttack in response to a telegram from the I-G.P. Orissa to see him at Cuttack. He told me that the Rulers of Patna and Korea were to go to Delhi to lodge a formal protest against the action in Nilgiri. I told him that I had seen in this morning's papers that the Union Armed Police at Nilgiri

had been disarmed. He admitted this and added that the Subedar of the platoon who came to Balasore to send a wireless message was told by the S.P. that he was under arrest and could not return to Nilgiri. Hutchins, the O/C at Dhenkanal, who sent to Nilgiri, was told at the Balasore station by district authorities not to proceed to Nilgiri.

2. In his farewell message in which he thanked the Government of India for their assistance, there is a sentence in which the Ruler expresses his sincere hope that special care will be taken to protect the rights and interests of his aboriginal subjects. He has protected them for 3 weeks in which they would indulge in arson which hastened his own departure from the State. Whence has this new love for aborigines come? I suspect that he and other Rulers may invoke a handle in clauses of their 1937 Sanad for their solicitude for their beloved aboriginal subjects. That clause runs as follows :—"That you shall recognise and maintain the rights of all your people and on no account oppress them or suffer them to be in any way oppressed and that in particular you shall charge yourself personally with the welfare of the aboriginal population of your State."

3. Since the issue of the above Sanad in 1937 they have done practically nothing for the aboriginals beyond making a provision in their land revenue rules that the transfer of lands held by aboriginals could be to aboriginals only. I give below an example of their solicitude for the aboriginals. About 3 years ago, Mr. Carter, the I-G.P., Joint Armed Police, raised a platoon of the aboriginals. They were given some sort of training and during the war were posted for railway security to guard bridges etc. The Rulers who formed the Police Board for advising the I-G.P. had however no confidence in the aboriginal platoon should emergency arise and Mr. Carter had to dissolve it gradually.

4. In the Oriya 'Samaj' Cuttack of 16-11-47, there is a news item to the effect that 4 men had arrived at Talcher from

Hyderabad. There is no indication of its composition but they may be aboriginals or other infiltraters.

Yours sincerely,
T. Satyanarayan,
Officer on Spl. Duty,
Eastern States Agency,

C. C. Desai, Esquire, C.I.E., I.C.S.,
Additional Secretary to the Government
of India, Ministry of States,
New Delhi.

SECRET

D.O.No. 2458

Hastings House,
Alipore, Calcutta 27,
the 28th November, 1947.

Dear Mr. Desai,

Please see my D.O. letter No. 2453 dated the 27th November, 1947. A contingent of Rulers are flying to Delhi tomorrow morning to confer with the Ministry of States and to place their views before the Hon'ble Minister. As I had indicated there was a distinct cleavage between the Rulers. The revolt was led by Khairagarh who placed a note before the meeting favouring full and unconditional co-operation with the neighbouring provinces including merger of the States if this be necessary. The other members of the Board, notably Korea and Patna were against this suggestion. Khairagarh resigned from the Board of Rulers but his resignation has not yet been accepted by the Board. Ultimately a compromise was arrived at. The Rulers of Korea and Patna requested Khairagarh to accompany them to Delhi so that both sides may place their views frankly before the Hon'ble Minister as it was not desirable that anything should be done behind each other's back. Some of the smaller Rulers I understand left the meeting in disgust on the 27th November and many of them were of the

view that each should take his own course and decide for himself and scrap the Eastern States Union. The endeavour of Korea and Patna is a last minute endeavour to save the Union and to obtain recognition somehow or other. They too are conscious that if the Ministry of States is adamant they would have to bow but are only taking a chance that their sweet persuasions might have some effect on the Ministry of States. Among the Rulers who are going are Patna, Kalahandi (who has been asked to reach Delhi), Korea, Khairagarh, Udaipur and one or two others. I understand Khairagarh sees no future for these States and the only way for their economic survival is merger with Provinces even if it be at a later date.

Yours sincerely,
T. Satyanarayan,
Officer on Spl. Duty,
Eastern States Agency,

C. C. Desai, Esquire, C.I.E., I.C.S.,
Additional Secretary to the Government
of India, Ministry of States, New Delhi.

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APPENDIX XXIV

Minutes of the meeting held in Secretary's room on the 20th November, 1947, attended by the Premier of Orissa to consider the constitutional future of Orissa States.

The following were present :—

1. The Hon'ble Mr. Hare Krishna Mahtab, Premier of Orissa.
2. Mr. V. P. Menon, C.S.I., C.I.E., Secretary, Ministry of States.
3. Mr. C. C. Desai, C.I.E., Additional Secretary, Ministry of States.
4. Col. B. D. S. Bedi, Regional Commissioner, Sambalpur
5. Nagendra Singh, I.C.S.

2. The Secretary explained at the very outset the constitutional position which made it imperative for all Orissa States to first accede to the Dominion of India. Under Section 5 & 6 of the Constitution Act until a State so acceded it was no part of the Dominion of India and hence the Government of India could not exercise any control or authority over it. There were, at the moment two categories of Orissa States—those that had acceded to the Dominion mentioned in Annexure A, and those that had not yet signed any Instrument of Accession, named in Annexure B. In order to arrange any scheme of Integration of these States with the Province of Orissa for purposes of administration, it was essential that all these States should properly accede to the Dominion of India. Further it was essential to separate the Orissa States proper, which differed linguistically from the Chhattisgarh States, as the Province of Orissa was concerned with the Oriya speaking States only. (Annexure C details and classifies the various Orissa States with which the meeting was concerned). It was decided that these States, including Kalahandi and

Patna, would be placed under the Regional Commissioner at Sambalpur, while the remaining Chhattisgarh States, which comprise the Hindi-speaking area, would remain under a Deputy Regional Commissioner at Raipur.

3. The Secretary explained that there were two methods of dealing with the Orissa States. There could be absorption or amalgamation of these States into the Province, but this may have wide political repercussions to avoid which it would be wise to adopt a gradual policy of integration rather than any immediate action involving absorption. The best plan would be to tackle B and C class States first as the Dominion Government retained necessary powers under para 1 of the 'B' form of Instrument of Accession in regard to civil and criminal jurisdiction and as an inevitable corollary of the same could have control over the police administration of these States as well.

4. The Premier of Orissa pointed out that he had mentioned in one of his letters a series of subjects which could be administered by the Province for these States to the mutual advantage of both. The subjects considered suitable by the Premier were as follows :—

1. Communications including provincial as well as National Highways.
2. Education.
3. Public Health.
4. Administration of civil and criminal justice including police.
5. Excise.
6. Forests.
7. Industries.
8. Agriculture.

5. These subjects were discussed and found generally suitable. There was however one opinion that the number of subjects in regard to which the Provincial Government would exercise administrative powers should be based on the Provincial

Legislative List of the Government of India Act, 1935, and that all powers appeared suitable for delegation to Provincial Government except land revenue. The meeting could not come to a decision as to the quantum of subjects on which the States should be asked to accede and it was accordingly decided that the matter should be discussed with the Premier of Orissa in Cuttack before the Conference of B and C class Rulers which it was intended to call in the first week of December.

It was agreed that A class States should be left alone in the beginning and efforts should be made to get the integration of B and C class States with the Province of Orissa with which the Premier of Orissa agreed. There were two methods by which the Provincial Government could obtain the necessary powers to administer the above mentioned subjects. (1) By asking those B and C class States which had already signed the Instruments of Accession to execute supplementary Instruments and those States that had not yet signed any Instrument to execute a fresh Instrument of Accession delegating powers to the Government of India in regard to specified subjects, and the Government of India could then delegate the necessary authority to the Provincial Government to administer those subjects. (2) It was also possible for the States to sign an agreement with the Government of India by virtue of which certain powers could be exercised by the latter who would also have the power to delegate them to the Government of Orissa for administering the subjects agreed upon. The States Ministry promised to examine both these methods and to obtain necessary legal opinion to ascertain which out of the two would be the most suitable.

6. The Secretary also raised the question of financial contribution to be made by these States to the Province for the administration of these subjects. One method was to fix a contribution on the basis of a definite percentage of the income of the States. There was also the other method of direct taxation, but as the meeting could not come to a decision as to

the shape which the contribution should take, the Premier of Orissa agreed to examine this with regard to the subjects which the Provincial Government would take over and to make proposals at the forthcoming conference in Cuttack.

7. The attitude of the States Ministry to the Eastern States Union of Orissa and Chhattisgarh States was further examined and it was felt that as the Union could not produce a culturally and linguistically homogenous unit, and further as the future of the Orissa States, economically and politically lay with the Province of Orissa, it was necessary that the Chhattisgarh States comprising Hindi speaking area should seek integration with the Province of C. P. and Berar, whereas the Oriya speaking tract should seek constitutional relationship with the Province of Orissa. The Eastern States Union, which was formed in utter disregard of linguistic, economic and social considerations, could not be recognised, and though the Dominion of India was prepared to guarantee the continuance of the Ruling dynasty, succession, etc., it nevertheless felt that the future of these States lay in developing with the Province of Orissa and not outside it.

To consider this aspect of the question it was decided that a conference should be called in Cuttack by the States Ministry of Rulers of B and C class States, to which should be invited the Governor and Premier of Orissa, and it was felt that it should be called as soon as possible, as, with the taking over of the Nilgiri State administration on opportune moment had been created for furthering any scheme of integration of these States with the Orissa Province. It was accordingly decided to call a conference on the 9th December 1947 at 11 A.M. at Cuttack. It was also generally agreed that the plan evolved for Orissa States would serve as a model for the Chhattisgarh States which had their future in constitutional relationship with the Central Province and Berar.

Annexure 'A'

Orissa States that have acceded to the Dominion of India.

'A' Class.

1. Mayurbhanj.
2. Patna.
3. Kalahandi.
4. Keonjhar.
5. Gangpur.
6. Dhenkanal.
7. Sonepur.
8. Bamra.
9. Nayagarh.
10. Seraikella.
11. Baudh.

'B' Class.

1. Athgarh.
2. Athmallik.
3. Khandpara.
4. Kharsawan.
5. Narsinghpur.

'C' Class.

1. Ranpur.
 2. Tigiria.
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Annexure 'B'

Orissa States which have not yet signed any Instrument
of Accession and have not acceded to the
Dominion of India.

'B' Class.

1. Baramba.
2. Conai.
3. Daspalla.

4. Hindol.
5. Nilgiri.
6. Rairakhol.
7. Talcher.

'C' Class.

1. Pal-lahara.

Annexure 'C'

Names of Orissa States with their population and classification.

A—Class.

	Name.	Population (in lakhs):
1.	Mayurbhanj	9.90
2.	Patna	6.32
3.	Kalahandi	5.97
4.	Keonjhar	5.29
5.	Gangpur	3.98
6.	Dhenkanal	3.24
7.	Sonepur	2.48
8.	Bamra	1.78
9.	Nayagarh	1.61
10.	Seraikella	1.54
11.	Baudh	1.46
	...	

B—Class.

1.	Athagarh	.55
2.	Athmallik	.72
3.	Khandpara	.87
4.	Kharswan	.50
5.	Narsinghpur	.48
6.	Baramba	.52
7.	Bonai	.92
8.	Daspalla	.53
9.	Hindol	.58
10.	Nilgiri	.73
11.	Rairakhol	.38
12.	Talcher	.86
	...	

C—Class.

1.	Pal-Lahara	.34
2.	Ranpur	.51
3.	Tigiria	.26

APPENDIX XXV

MEMORANDUM SUBMITTED BY THE GOVERNMENT OF ORISSA ON THE CONSTITUTIONAL FUTURE OF ORISSA STATES.

We have taken into consideration the minutes of the informal meeting held at Delhi on the 20th November 1947, which was attended among others by the Prime Minister of Orissa, to discuss the constitutional future of the Orissa States. We have given the subject matter the close attention that its importance demands, and the following are our considered views and unanimous recommendations.

2. The two main points which were left over at the Delhi meeting for further consideration in consultation with the Government of Orissa are :—

- (a) the quantum of subjects on which the States—particularly B and C class States—should be asked to accede in order that powers and functions in respect of these subjects can be delegated to the Government of Orissa ; and
- (b) the question of financial contribution to be made by the acceding States to Orissa for the administration of the ceded subjects.

3. With regard to the first question, two alternatives appear to have been tentatively discussed at the Delhi meeting, namely, delegation to the Government of Orissa of either :—

- (i) a specified number of Provincial subjects such as those in respect of which the Prime Minister of Orissa has been pressing for a common administration in Orissa and Orissa States; or
- (ii) all subjects in the Provincial legislative list of the Government of India Act, 1935, with the exception of land revenue.

We consider it necessary to take a somewhat comprehensive view of administration in States which will naturally cover not only the subjects in the Provincial legislative list but those in the federal legislative list and the concurrent legislative list as well. In respect of three subjects, viz., defence (including such allied matters as arms, ammunition and explosives), external affairs, and communications, all States are expected to accede to the Dominion; and B and C Class States will be required to accede in regard to civil and criminal jurisdiction as well. There would then remain, excluding these subjects and excluding the entire range of Provincial subjects, quite a number of matters for which a State must make administrative arrangements such as (in the federal field) currency and legal tender, census, air, navigation, opium, banking, customs, income-tax, salt, etc.—in addition to the subjects included in the concurrent list such as factories, labour welfare, trade union, etc. We have no administrative machinery for Central subjects and cannot in any case take them over. The Centre can take them over by agreement or through supplementary Instruments of Accession. If they do not take them over completely, some subjects will be left with the States. If again in the Provincial sphere the Province takes over the administration of only some subjects but not all, a number of provincial subjects would be left with the States. In that case administration in the States will be three-tiered :—

- (a) the Dominion Government or their agents will administer certain subjects;
- (b) the State itself will administer certain other subjects both in the Provincial as well as in the federal spheres; and
- (c) the Provincial Government will administer certain other specified subjects in the Provincial field.

4. Administrative arrangements must, of course, follow the constitutional set up; e.g. the three-tier administration visualised above postulates a three-tier constitution. We have no knowledge what the constitutional set up in the States will be; but we consider that by far the simplest and most ideal arrangement would be for all States :—

- (a) to accede, to the Dominion Government in all matters covered by the list of federal subjects, and
- (b) to accede with the permission of the Dominion Government to the Province of Orissa in all matters covered by the Provincial and concurrent lists—constitutional provision being made for the Rulers' privy purses and allied matters.

In that case popular representatives from States would sit both in the Dominion legislature and in the Provincial legislature. Provincial administration would be common for the Orissa Province and the Orissa States; and the executive authority of the Province in all branches will extend to the States. Accession of States to a Province in respect of Provincial matters is, however, not possible under the Government of India Act, 1935. A State can accede to the Dominion only or make over powers and functions to the Dominion Government by agreement; and so far as Provincial subjects are concerned, the Dominion Government can make them over to the Provincial Government for administration under Section 124. Legislative authority cannot naturally be delegated, and therefore the Dominion Parliament would be the legislative authority in respect of all matters—Central and Provincial—delegated by the States. In administering Provincial subjects in the States, the Province will be responsible not to the Orissa legislature but to the Dominion Government. Under the present constitutional set up, therefore, the people of the States or their representatives cannot be invested with legislative authority if the Province takes over the administration of the States in the Provincial sphere. This is a position which cannot naturally be regarded as satisfactory and can be accepted only as an interim arrangement pending provision of direct accession of States to Provinces by revision of the present constitution. Under the interim arrangement, association of the people of the States can be secured by the formation of popular advisory councils, and the convention can be established 'hat the councils will be consulted and their advice will, as far as possible, be accepted in all

matters relating to States administration. Such councils would however, be purely advisory bodies and would have no statutory powers or authority.

We have assumed above that the new Constitution now before the Constituent Assembly will provide for the direct accession of States to neighbouring provinces (with, of course, the permission of the Dominion Government) in respect of all Provincial subjects. In any case we strongly recommend that such a provision should be made and the constitutional consequence of accession to a Province should be clearly laid down including the consequence that such an acceding State would for purposes of returning members to the Provincial legislature be regarded as part of the Province. We understand that the draft Union and Provincial Constitutions which have been tentatively approved by the Constituent Assembly merely provide for a common administration in Provinces and neighbouring States with the agreement of their Rulers. But that in our view is clearly not enough as it leaves out of account the people of the States and would not secure their representation in the Provincial legislature. We can see no constitutional impropriety in a statutory provision for direct accession of States to Provinces in respect of provincial subjects with the consent of the Dominion Government but, if it is held that such a provision would for any reason be improper, we suggest that some means should be provided in the new Constitution whereby a Province may acquire legislative (and not merely executive) authority in its neighbouring States with of course the necessary corollary that for purposes of election to the Provincial legislature the States would be regarded as an integral part of the Province. We, further, suggest that the Constitution should make it clear beyond doubt that such complete amalgamation of States with a Province would, once effected, be final and irrevocable.

5. Assuming for the moment that administration of certain subjects will be left with the States either for some time or indefinitely, it is necessary to consider what will be the constitutional authority in the States. Personal rule by Ruling Chiefs

can probably be ruled out altogether; it will suit none except probably the Rulers themselves and even that is doubtful. Recent events have made it clear beyond doubt that the States' people will not tolerate autocratic rule in any circumstances even in a limited sphere. Left to themselves, they would overthrow it; and we must proceed on the assumption that unlike the late British Government, who were interested in the continuance of personal rule by petty Chieftains (though under very strict control), the Dominion Government would not think of imposing and protecting (if necessary by force) autocratic rule even in comparatively unimportant matters against the declared will of the people.

It does not appear to us also that responsible Ministers can be expected to function successfully in individual States. B and C Class States cannot obviously bear overhead charges of separate legislatures, separate executives and separate administrative staffs.

On the whole, it would thus appear that if the States are to have any kind of separate constitutional entity at all, they must unite for the purpose but with democratic Governments at the Centre and in the Provinces the Union will naturally have to be a union of States' peoples and not of the Ruling Chiefs.. We have fully discussed the feasibility of such a separate union (even for limited purposes) later in this memorandum and we have been compelled to reject any such plan as impracticable and in any case completely useless.

6. In our view the essential defect in the States Ministry's suggestion that it would be wise to adopt a gradual policy of integration lies in the fact that it leaves the question unanswered as to what would be the constitutional authority in the States to those subjects which would not be taken over by the Province. From all points of view, it would seem to be better and wiser to take a long range view of the problem so that any immediate or interim arrangements that may now be made may be abiding in the sense that they could, with perhaps minor adjustments, be readily fitted in the permanent constitution.

onal scheme that may later on be devised for the administration of the States. The parties that have to be reckoned with are (a) the Rulers, (b) the people of the States, (c) the Provincial administration in Orissa and (d) the Dominion Government. The recent serious disturbances in the States have perhaps convinced the Rulers that it is futile for them to try to continue any form of personal rule. They have perhaps realised that the British were the real masters in the States as much as in the Provinces and that the only point on which the States differed from the Provinces prior to the departure of the British was that whereas some form of constitutional and responsible Government was being gradually evolved in the Provinces, the States remained all along under autocratic rule, partly of the Ruling Chiefs but mainly of the British masters of the country. So long this personal rule of Ruling Chiefs was supported and propped up by the paramount British power which in turn kept them straight. Lapse of British paramountcy has produced two-fold consequences. On the one hand, the Rulers are now free from the strict but necessary control which the late Political Department used to exercise over them. On the other hand, the prop of the British bayonet is gone, and the Rulers have now to reckon with the people and the rising tide of democracy in their States. Recent happenings have demonstrated beyond any doubt that with the prop gone, the Rulers are not even able to provide strong administration in the States and are helpless in the face of organised lawlessness on a mass scale. Democratisation of the States sooner or later is thus inevitable and it is perhaps natural that democratic Governments in India will do nothing to retard the process; on the contrary, their ideological and even active sympathy will probably be always on the side of the people. In these circumstances it would not perhaps be unrealistic to proceed on the assumption that the Ruling Chiefs would be satisfied if their dynastic succession and privy purses and possibly certain personal prerogatives are guaranteed by the constitution.

The people of the States are definitely in favour of the immediate introduction of a democratic form of Government,

though there is some reason to believe that they are divided on the issue of complete amalgamation with Orissa. Some perhaps the majority would prefer absorption in the Province of Orissa, while others would prefer, at least partially, a separate political and economic existence.

The position of the Government of Orissa is briefly as follows : They are not anxious to absorb the States, but they are vitally concerned in their efficient administration at least in the sphere of law and order. They cannot afford to have a mass rising of aborigines in the States with the ever present danger of its spreading to aboriginal areas of the Province; they cannot contemplate with equanimity political offenders and criminals seeking refuge in the so-called "sovereign" States; nor again the growth and consolidation of subversive movements in them; they cannot regard as satisfactory any constitutional arrangement under which their vital links of communication would be under a constant threat of being cut off or the condition of the public health in the Province would be constantly endangered by primitive medical and public health arrangements in the States, or their excise policy rendered ineffective by selfish and short sighted policy in the States. From their point of view, Orissa and Orissa States are parts of one greater whole indissolubly linked by natural and traditional ties of trade and commerce and social and cultural intercourse. They are convinced that neither part can prosper unless the other does. So far the Orissa States have made no contribution to the common development of the province in any sphere, whereas States subjects have had unrestricted opportunities of public service and of employment and have enjoyed all educational, medical and other facilities available in Orissa Province. It is almost certain that public opinion in the Province would not tolerate continuance of all this material contribution to the people of the States solely at the expense of the Province and would before long insist on either a suitable return for them or their termination.

There is finally the Dominion Government who are interested in the internal security of the country as a whole and

its coordinated and orderly development along correct lines. It would perhaps be readily conceded that the Dominion Government as the dominant power in India is now the natural successor of the late Paramount Power in relation at least to all but the very biggest States; for, paramountcy is after all not a question of law but one of fact. We have no doubt that whether a State accedes or not, circumstances will force the Dominion Government to intervene in its affairs should it develop anarchy or misrule.

7. Once it is conceded first that autocratic and personal rule by Ruling Chiefs is now outmoded and must be eliminated and secondly that individual States cannot be run as autonomous units of the Indian Union, the constitutional issue becomes clearer. So far as the federal subjects are concerned, there is no reason at all why the States should not accede to the Dominion in respect of all of them without any exception, for unless they do so, the people of the States would enjoy a large measure of local self Government than the people of the Provinces, which is of course, unthinkable and which cannot be justified on any ground. It would then follow that the executive and legislative authority that would be left with the States would be completely identical with in the scope of Provincial administration. In other words the subjects that would be left for local administration in the States would be only the Provincial subjects and the subjects in the concurrent list. The possible constitutional schemes for the administration of these subjects would appear to be—

- (i) constitution of a separate Province;
- (ii) constitution of a sub-province;
- (iii) complete amalgamation with Orissa, and
- (iv) partial integration with Orissa.

For (i) there is clearly no need and no justification; we do not think that the States people are anxious for this development either. Financially it is impracticable since the total revenue of all the States is just over a crore of rupees including revenue

from Central sources of income. If revenue from the Central sources is omitted and if generous allowances are made for the Rulers, privy purses, the net revenue that will be left will be entirely inadequate for the bare needs of a Provincial administration; and certainly nothing at all will be left for development of the new Province.

8. In our view partial integration with the Province of Orissa is not a practical proposition either. For it will even then be necessary to set up a separate administration with a separate legislature, a separate executive and a separate administrative staff to administer those subjects which will not be administered in common with Orissa. In other words, partial integration with Orissa will involve the setting up of more or less the same constitutional and administrative paraphernalia as the creation of a separate Province will, while the resources of a partially integrated administration will be a good deal less than those of a separate Province, allowing for contributions for the administration of common subjects. Above all administrative difficulties involved in partial integration will be grave. Provincial administration is in reality indivisible. An injudicious and oppressive agrarian policy in one part of the Province will have its repercussions on the law and order position in the entire Province, and it will be idle to argue that the position must be faced because agrarian policy is not a matter of common concern. Moreover, administrative staff is to a large extent, common for many subjects, e.g., the superior revenue staff in the Provinces consists practically of the same body of officials as the magistracy. To duplicate the staff would be both expensive and unnecessary. We are thus unable to support wholeheartedly either of the two alternative suggestions which were made at Delhi conference, that is either that a specified number of selected subjects should be made over to the Province for administration or even that all functions in the Provincial revenue which includes assessment and collection of revenue, survey and settlement, and preparation and maintenance of land records. It goes without saying that no collecting staff would be able to collect land revenue or any

revenue unless it has the necessary backing of the police and the magistracy. On the other hand, it would be unreasonable and unrealistic to assume that the Provincial Government's forces of law and order operating in States will in all circumstances enforce collections based on principles for which they have no sympathy and to which they may even be entirely opposed. It may, however, be that what the States Ministry had in mind in putting forward the suggestion that land revenue should be excepted from the range of subjects to be made over to the Provincial Government for administration was that the Ruling Chiefs would be reduced to the position of Zamindars and that while the Province would get from them fixed amounts of land revenue, it should be left to them to collect rents from their tenants, it being understood that it would be for the Provincial Government to lay down the land revenue policy and to prescribe the models and limits of assessment and collection. If that is the contemplated arrangement, we are unable to acquiesce in it either. It would result in our creating a new body of zamindars while we are pledged to the policy of abolition of zamindaris elsewhere in the Province. In any case we are convinced that a diarchical system of Government in the States and division of administration of Provincial subjects between two authorities independent of each other would be difficult to work, if not altogether impossible.

9. We are then left with the two alternatives of (a) complete amalgamation with Orissa and (b) the creation of a sub-Province. We are not convinced that there is adequate justification for a sub-Province comprising of the areas which now form the Orissa States or that the resources of those areas or of the Province as a whole are enough to support such a constitutional and administrative arrangement. We do not for a moment believe that with the present resources of the areas comprising the Orissa States a separate sub-Province can be run with a separate legislature, a separate executive and a separate administrative staff with any hope of maintaining reasonable standards of efficiency. Moreover, a sub-Province which postulates a separate legislature and a separate executive (under a common

constitutional head) can be justified only where within the Province there are distinct racial or linguistic areas. Both in Orissa and in the Orissa States, however, Oriya is the common language (barring a number of aboriginal dialects in both parts) and the people are Oriyas excepting the aboriginal who exist though in a varying degree both in the Orissa Province and the Orissa States. The only factors which can be said to distinguish the two parts are these :—

- (i) Orissa States are not properly developed; they mainly consist of hilly areas and are sparsely populated. To the common pool Orissa States would contribute proportionately a good deal less than the Orissa Province;
- (ii) political traditions in Orissa States are different and their administrative standards are a good deal lower;
- (iii) the existence of a Princely order in the States; and
- (iv) finally, the fact that the aboriginal population in the State is proportionately larger than that in the Orissa Province.

A mere recital of these factors should convince anybody that while the people of Orissa States have nothing to lose by their complete amalgamation with the Province of Orissa, the people of the Province can rightly apprehend that the amalgamation would instead of benefiting them in anyway, drag them down to a lower economic level. We have, however, reasons to believe that mainly for sentimental reasons 'and in consideration of the natural ties that link the two parts, the public of the Province would not be opposed to the idea of amalgamation. Our advocacy of a complete amalgamation is further based on the practical consideration :—

- (a) that the accession of the States to the province would result in a lowering of the overhead charges of administration per head of population of the expanded Province, and

- (b) that after the Orissa States—particularly their mineral and forest resources—are adequately developed these areas would be in a position to make adequate contributions to the common financial pool.

We are, of course, fully aware of the fact that in the circumstances now existing, it is not profitable for the Orissa Province to take over the administration of the States, for it would be taking over a population of over $4\frac{1}{2}$ millions and an area of over 25,000 square miles with a total revenue of just over a crore of rupees, which will naturally be reduced, perhaps considerably, if the proceeds of Central taxes and Rulers' personal allowances are excluded from it. We are further not oblivious of the fact that any attempt to bring the administration in the States to a reasonable level of efficiency would strain the Provincial administrative machinery to almost breaking point. Nevertheless, we feel that we would be justified in taking whatever financial and administrative risks there may be in a scheme of amalgamation in consideration of the factors we have mentioned above and the potentialities of the undeveloped parts of natural Orissa, and above all in the hope of building up a larger and more prosperous Oriya speaking Province which will be able to take its proper place among the united peoples of India.

10. To summarise our conclusions, we recommend :—

- (i) that the first step should be to guarantee the Rulers their dynastic succession, a generous privy purse, enjoyment in perpetuity of personal properties and certain well defined personal dignities and prerogatives. On the other hand, they should be completely divested of all political powers and administrative functions;
- (ii) the new constitution should provide for accession of States to specified Provinces, and thereafter all the 26 Orissa States should formally accede to the Orissa Province besides acceding to the Dominion for the purposes of the Dominion.

- (iii) on such accession the administration of the States should be completely merged with the Provincial administration, the Dominion subjects being taken over by the Dominion;
- (iv) till the new constitution is framed, interim arrangements may be made for common administration on the following lines. Either through supplementary Instruments of Accession or through agreements, the States may delegate powers to the Government of India in regard to all subjects, the Dominion Government delegating in their turn to the Province the necessary authority to administer the Provincial subjects only. To help the Provincial Government to administer the subjects (other than what may be regarded as subjects of common concern), two popular representatives from the Orissa States may be appointed as Advisers. The Advisers will advise the Provincial Government generally in regard to the policy to be followed in administering the States, and it is intended that in regard to those subjects which are not deemed to be subjects of common concern, they will be allowed to function, as far as possible, as Ministers for the Orissa States. It will have to be arranged of course that no major decisions are taken by the Advisers without the cognizance of the Cabinet. Further, in order to more effectively associate with the Administration popular opinion in the States, an Advisory Council may be set up in each State consisting of local popular representatives, either elected or nominated. It should not be difficult to arrange that the Advisers keep in constant touch with the local Advisory Councils and are, as far as practicable, guided by their advice and suggestions in purely local matters. Legally and constitutionally, however, the Provincial Government would during the interim period be responsible to the Dominion Government for the good administration of the areas comprised in the Orissa States. We are assuming, of course, that to the Provincial exche-

quer will be credited receipts from all Provincial sources of income, receipts from revenue in respect of Central subjects being credited to the Central exchequer.

We have adverted above to "subjects of common concern". Tentatively we suggest that these subjects may well be the subjects for which the Prime Minister of Orissa has been pressing for a common administration and in addition the following :—

- (a) Provincial finance;
- (b) public services and a common Public Service Commission;
- (c) elections;
- (d) water supplies, irrigation and canals, drainage and embankments, water-storage and water power;
- (e) land including land tenures, relation of landlord and tenant and collection of rents, transfer, alienation and devolution of agricultural land, land improvement and agricultural loans, colonization, Courts of Wards encumbered and attached estates, treasure trove;
- (f) Provincial taxes such as sales tax, agricultural income-tax, taxes on luxuries, etc.;
- (g) regulation of mines and mineral development;
- (h) land revenue including assessment and collection of revenue, maintenance of land records, survey for revenue purposes and records of rights and alienation of revenue.

11. We would like to add that in case the Dominion Government decide on a policy of gradual integration inspite of our considered recommendations and the defects inherent in such a plan to which we have done our best to draw attention, we would be quite willing to give the plan a trial and our unstinted and loyal support. In that case, it would not naturally be our concern to solve the ticklish question as to which authority in the States or outside them would administer the residuary subjects. We should, however, make it quite clear

that if such partial administration by the Provincial Government is to have any reasonable chance of success, it is essential that the minimum quantum of subjects to be made over to the Province for administration must be the subjects indicated by the Prime Minister at the Delhi conference, namely :—

- (i) Communications, that is, Provincial and national highway;
 - (ii) education;
 - (iii) public health;
 - (iv) police excluding village police;
 - (v) public order and administration of justice, civil, criminal and revenue; and constitution and organization of all courts;
 - (vi) excise (including control of intoxicating liquors and narcotic drugs);
 - (vii) forests;
 - (viii) agriculture;
 - (ix) industries;
- To which must be added, for obvious reasons.
- (x) prisons.

The above is the minimum quantum of subjects we would be prepared to take over; and we are, of course, quite prepared to take over in addition any other subjects in the sphere of Provincial administration. As, however, we have already indicated, we fail to understand why land revenue should be the sole exception in case it is decided to delegate to the Provincial Government all subjects in the Provincial legislative list.

12. It remains to consider the question of financial arrangements. The question presents no difficulty if the ultimate decision is to make over to the Province the administration of all Provincial subjects including the power to levy Provincial taxes and fees. The Orissa States would then be administered in common with the other parts of the Province, the revenues derived from all parts would be credited to the Provincial

exchequer and all expenditure incurred by the Provincial administration would be met from the common pool irrespective of the areas in respect of which the expenditure is incurred. In view, however, of the fact that still more backward areas would be added to a Province which is perhaps already the most backward in India, it would, we expect, be necessary for the Provincial Government to ask for a larger subvention from the Centre than what they get at present. It would probably be easy enough to settle by negotiation the nature and amount of this additional subvention.

If, on the other hand, a specified number of subjects only are made over to the Provincial Government for administration, they would expect that they should be reimbursed the actual expenditure incurred by them in administering the ceded subjects. It would not, of course, be possible to keep an account of the expenditure directly incurred by the Provincial Government on ceded subjects in the States, to which will have to be added, under different heads, a suitable share of the overhead charges of administration e.g., a proportion of the salary of the Revenue Commissioner, of the Director of Public Instruction, of the Inspector-General of Police, etc., and their headquarters staff. The proportion of overhead charges to be debited to the States account can easily and appropriately be calculated on the basis of the population in the Province and in the States respectively. The plan that would best suit the Provincial Government is that their actual expenditure on ceded subjects in the States, calculated in the manner explained above, should be reimbursed to them on an annual basis by the Central Government (such on-account advances being made to the Province as may be necessary to help them maintain their ways and means position); and that the Central Government should thereafter recover the amount paid to the Province from individual States in such manner as they may consider most appropriate. It would probably be quite fair to apportion the expenditure among the various States concerned according to their population or alternatively, on the basis of their income.

13. We should make it clear that our recommendations hold good irrespective of the number or class which integrate with our Province for common administration, whether the integration be partial or gradual or complete. We do hold the view, of course, that from a practical point of view there is no need to distinguish between one State and another for purposes of any accepted merger scheme; and we further hold the view that the ideal should be to bring within the ambit of the merger scheme not only B and C class States but as many A class States as possible, and if possible all the Orissa States without any exception. All these States face to-day precisely identical problems, and we are convinced that the future of all of them must necessarily be the same. None of them, not even Mayurbhanj, is big enough or populous enough or rich enough to bear the burden of a separate political entity as an autonomous unit of the Indian Union. At the same time, we wish it to be understood that we are quite prepared to work a reasonable merger scheme whether the merger be complete or partial, in respect of either all States or only selected States or only all B and C class States or even only some among them.

APPENDIX XXVI

D.O. NO. 8076/HPM.

The 27th December, '47.

Dear friend,

I think, you will remember I discussed with you about the merging of the Orissa States with Province some time back and you kindly sent me a note on that. Now you will be glad to know that the States have come under the same administration as the Province in this way that the Rulers ceded all their powers to the Dominion Government and the Dominion Government in their turn have delegated all their powers to the Provincial Government. But this has to be regularised in the New Constitution. Will you please look into the question and think out some way by which these States will be included in the Province so that the people in the States may be represented in the Provincial Legislative Assembly under the New Constitution ?

I shall be much obliged if you kindly let me know if it is possible by some means to bring the representatives of the people of the States to the Provincial Legislative Assembly under the existing Constitution. I hope, you will not please mind the trouble.

Hope to meet you when I go to Delhi next.

Yours sincerely,
H. Mahtab.

Sir B. N. Rau.
Financial Adviser to the
Constituent Assembly of India
New Delhi.

CONSTITUENT ASSEMBLY OF INDIA

Council House,
New Delhi, the 30th December, '47.

Dear Sir.

I write to acknowledge the receipt of your D.O. letter No. 8076/HPM. dated the 27th December, addressed to Sir B. N. Rau. Sir B. N. Rau has left for Rangoon to attend the Burma Independence Day celebrations due to commence early in January. He is expected to be there till about the middle of January, and so I am sending your letter to him by airmail to-day.

Yours truly,
K. V. Padmanabhan,
Under-secretary.

The Hon'ble Sri Harekrushna Mahtab,
Prime Minister, Orissa, CUTTACK.

D.O. NO. 1149-HPM

The 9th April, '48.

Revered Sardarji,

I send herewith a booklet which has been circulated in large numbers in the States obviously to create troubles by some of the Rulers and their agents. As I told you at Delhi, unless the merging becomes final, this kind of activity will not stop. Of course, we have stopped it in order to prevent breach of peace between the pro-mergers and the anti-mergers, but so long as the loophole is there, it is difficult to stop the activity altogether.

Hope your health is improving steadily.

Yours sincerely,
H. Mahtab.

The Hon'ble Sardar Vallabhbhai Patel,
Deputy Prime Minister, Dominion of India,
New Delhi.

D.O. Letter No. F. 191-P/48 dated the 26th May 1948, from Mr. M. K. Kripalani, I.C.S., Joint Secretary to the Ministry of States, Dominion of India, to the Hon'ble Sri Harekrushna Mahtab, Premier of Orissa.

I am desired to refer to your D.O. letter no. 1149-HPM dated the 9th April 1948, to Hon'ble Sardar Vallbhbhai Patel and to enclose for your present information a copy of our letter to Sir B. N. Rau, Constitutional Adviser to the Government of India. regarding the complete merger of Orissa States in Orissa Province.

Copy of D.O. letter No, F.191-P(S)/48 Ministry of States, New Delhi, dated the 26th May, 1948 from M.K. Kripalani to Sir B.N. Rau, C.I.E. Constitutional Adviser to the Government of India.

As you are aware the 25 Orissa States have been integrated with Orissa and the 14 Chhattisgarh States with Central Provinces and Berar. This arrangement rests on the agreements signed by the Rulers ceding to the Dominion Government full and exclusive jurisdiction, authority and powers for and in relation to the governance of the States. Orders have been issued under the Extra Provincial Jurisdiction Act, 1947, delegating to the Provincial Governments concerned powers under the Act to make orders for and in relation to the governance of the said States as respects matters enumerated in List II and III of the Seventh Schedule to the Government of India Act, 1935.

2. The administration of the States was taken over on 1st January, 1948. At the time it was contemplated that the first objective would be integration of the administration of the States and that the arrangements, constitutional or otherwise, for the ultimate merger of the States would be taken up in sufficient time or in time for the new Constitution of India to

be made. The draft Constitution of India does not provide for such a merger and this has raised further difficulties for us.

3. Ever since the administration of the States was taken over difficulties have been placed in the way of the Provincial Government by or on behalf of the Rulers concerned in arrangements to give effect to integration of administration. The Rulers have thought of cutting themselves away again from the Province of Orissa and have made proposals for forming Unions on the pattern of the Saurashtra Union or even as a Centrally Administered Province like the Himachal Pradesh. The Rulers have been emboldened in this agitation by the provision made in regard to the governance of the States in the draft Constitution of India which envisage maintenance of the territorial integrity of the State. These activities combined with the trend of political feeling in the Orissa States indicate that it is now necessary to take urgent steps for a complete constitutional merger of the States in the Province of Orissa. The integration of the States with Orissa and Central Provinces has therefore become a matter of urgent necessity and we have to take steps to give permanent effect to the arrangements already made.

4. Accordingly, we have been considering the question whether it would be possible to merge completely the Chhatisgarh and Orissa States in the respective Provinces with which they are administratively integrated at present by an Order under Section 290(1) of Government of India Act, 1935. We are advised by the Law Ministry that an order Section 290(1) of the Government of India Act increasing the area and altering the boundaries of Orissa so as to include there in the territories of these 25 States must necessarily have the effect of divesting them of their "States" character and investing them with the constitutional position of a part of a Governor's Province. The authority of the Provincial Legislature would necessarily be brought in regard to all matters mentioned in the Provincial and Concurrent Legislative Lists and to that extent the Dominion Government would cease to control and direct the administration of the States as contemplated in the agreements ceding

jurisdiction. Moreover, since Section 290 makes no mention of acceding States but only provides for the creation of new Provinces and the alteration of the areas and boundaries of existing Provinces it is extremely doubtful whether the Governor-General is competent by way of increasing the area of a Province to direct the extinction of an acceding State as such and the absorption of its territory in the Province. Such an Order, it is considered may be beyond the powers conferred by Section 290.

5. It is however clear that an early and complete constitutional merger of these States in the Province of Orissa and Central Provinces is desirable from every point of view and any long delay in the matter would be dangerous. We therefore consider that a short Bill should be passed at an early date by the Constituent Assembly when it meets next. The Bill should contain a general provision covering all acceding States the Rulers of which have ceded to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of those States and should empower the Governor-General by Order to direct that any such "States" may be governed together with a specified Governor's Province as if the territories of those States were included in and formed part of that Province and to provide for all supplementary, incidental and consequential matters on the lines of Section 290 (2) of the Government of India Act. Such a Bill would be easy to justify on political and constitutional grounds and when passed would enable the merger to be effected in a strictly constitutional manner.

6. We shall be grateful if you would kindly favour us with your views on the proposal and if you agree with a draft Bill.

D.O. letter no. 2325-HPM dated 21st June 1948 from the Hon'ble Sri Harekrushna Mahtab, Premier of Orissa, Cuttack, to M. K. Kripalani, Esq., I.C.S., Joint Secretary to the Ministry for States, Dominion of India, New Delhi.

This is with reference to your D.O. no. F. 191-P/48 dated 26th May 1948.

As it is reported in the newspapers, the Dominion Legislative Assembly will meet some time in the month of August I do trust that you are following up your request made to Sir B. N. Rau to frame a short Bill to be brought up in the next session of the Dominion Assembly. I shall be much obliged if you kindly send me a copy of the draft Bill which might have been prepared in the mean time. I am sure, you are taking all steps that the matter is disposed of in the next session of the Dominion Assembly.

D.O. letter no. 2328-HPM dated the 21st June 1948 from the Hon'ble Sri Harekrushna Mahtab, Premier of Orissa, Cuttack, to Sir B. N. Rau, C.I.E., Constitutional Adviser to the Constituent Assembly, New Delhi.

Mr. Kripalani was kind enough to send me a copy of the letter which he addressed to you on the question of merger of the Orissa and Chhatisgarh States with Orissa and the C. P. I hope you have given your careful consideration to the question in the mean time. Since the Orissa Government is a party to the question, I hope you will not mind my writing to you on the subject. As I told you at Delhi when we met last, we are rather in a hurry to see the matter through for so many changes are coming in so many shapes that it is difficult to consolidate what is achieved. The States Ministry appears to be determined to merger the States with the Province completely. Now it is for you, our Constitutional Adviser, to find out ways and means for the accomplishment of the object. May I know if you have drafted a Bill in accordance with the request of the States Ministry and if the matter is coming up before the next session of the Dominion Assembly? I shall be very much obliged if you kindly send me a copy of the Bill which you might have drafted.

APPENDIX XXVII

New Delhi, 27th July 1949

No. S. O. 25—The following Order made by the Governor-General is published for general information :—

THE STATES' MERGER (GOVERNORS' PROVINCES) ORDER, 1949

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the Government of the Indian States specified in the Schedules annexed hereto are exercisable by the Dominion Government :

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of the said States together with the adjoining Governors' Provinces;

AND WHEREAS the views of the Government of the said Provinces have been^e ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein :

NOW, THEREFORE, in the exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the States' Merger (Governors' Provinces) Order, 1949.
(2) It shall come into force on the first day of August 1949.
2. In this Order, unless there is anything repugnant in the subject or context—
 - (a) "absorbing Province", in relation to a merged State means the Province specified in the heading of the Schedule in which that State is specified;

- (b) "appointed day" means the date of the commencement of this Order;
- (c) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List :
- (d) "law" includes any ordinance, order, bye-law, rule or regulation having the force of law;
- (e) "merged State"; means any of the States specified in the Schedules, and in the case of Baroda, includes also the area known as Kutchigarh situated in Okhamandal;
- (f) "Schedule" means a Schedule to this Order.

3. As from the appointed day, the States specified in each of the Schedules shall be administered in all respects as if they formed part of the Province specified in the heading of that Schedule; and accordingly any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to any of the merged States, and any reference in any such Act or Ordinance as aforesaid to a Province specified in a Schedule to this Order shall be construed as including the territories of all the States specified in that Schedule.

4. All the law in force in a merged State or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by a competent Legislature or other competent authority :

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the governance of any of the merged States.

5. (1) All property, wherever situate, which, immediately before the appointed day, is vested in the Dominion Government for purposes of the governance of a merged State shall, as from

that day, vest in the Government of the absorbing Province, unless the purposes for which the property is held immediately before that day are central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property is held immediately before the appointed day are central purposes.

6. Arrears of any taxes outstanding in a merged State immediately before the appointed day shall be deemed to be due to, and may be recovered by the Dominion Government or the Government of the absorbing Province, according as the proceeds of any such tax imposed after the appointed day would be due to, and recoverable by, the Dominion Government or the Government of the absorbing Province.

7. (1) All liabilities in respect of such loans, guarantees and other financial obligations of the Dominion Government as arise out of the governance of a merged State, including in particular the liability for the payment of any sums to the Ruler of the merged State on account of his privy purse or to other persons in the merged State on account of political pensions and the like, shall, as from the appointed day, be liabilities of the absorbing Province, unless the loan, guarantee or other financial obligation is relatable to central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether any loan, guarantee or other financial obligation arising out of the governance of a merged State is relatable to central purposes.

8. Without prejudice to the special provisions contained in Article 7, any contract made or deemed to be made before the appointed day by, or on behalf of, the Dominion for purposes connected with the governance of a merged State shall as from that day, have effect as if it had been made by, or on behalf of, the absorbing Province, unless it is wholly or in part for central purposes.

9. Any proceedings which, if this Order had not been made, might lawfully have been brought in a merged State by or against the Dominion shall, in the case of any liability arising before the appointed day or arising under any contract made before that day, be brought—

- (a) by or against the Dominion, if the proceedings could have been brought by or against the Dominion had the liability arisen after the appointed day or as the case may be, arisen under a contract made after the appointed day, and
- (b) otherwise, by or against the absorbing Province.

10. If, immediately before the appointed day, any proceedings are pending in a merged State to which the Dominion is a party and if those proceedings would have been brought by or against the absorbing Province under Article 9 had they been brought after the appointed day, the absorbing Province shall be deemed to be substituted in those proceedings for the Dominion, and the proceedings shall continue accordingly.

11. (1) Notwithstanding anything contained in the Fifth Schedule to the Government of India Act, 1935—

(a) the total of seats in the Legislative Assemblies of the Provinces specified below shall be as follows :—

Madras	214
Bombay	233
Bihar 	151
Central Provinces and Berar	128
East Punjab ...	82
Orissa	91

(b) the total of seats in the Legislative Council of Bombay shall be increased by 10 and shall be not less than 38 and not more than 40.

(2) Save as provided in this Article, none of the provisions contained in the Fifth or the Sixth Schedule to the Government of India Act, 1935, shall apply in relation to the additional seats created by paragraph (1) of this Article.

(3) The allocation of the additional seats among the merged States for purposes of the nomination hereinafter provided shall be as shown in the Schedules.

(4) As soon as may be practicable after the appointed day the Governor-General shall, by order in writing, nominate duly qualified persons to fill the additional seats and represent the people of the State or group of States to which those seats are allocated.

(5) A person shall not be qualified to be nominated under this Article if he—

- (a) is subject to any disqualification under section 69 of the Government of India Act, 1935; or
- (b) in the case of a seat in the Legislative Assembly, is less than twenty-five years of age, and in the case of a seat in the Legislative Council, is less than thirty years of age; or
- (c) has not for a period of at least 180 days in the previous financial year resided in a house in the State or group of States to which the seat is allocated.

(6) Every order made under paragraph (4) of this Article shall be communicated to the Governor of the Province concerned, who shall cause it to be notified in the official Gazette of the Province and communicated to the Speaker of the Legislative Assembly or, as the case may be, the President of the Legislative Council and to each of the persons nominated by the order.

(7) If any of the additional seats created by paragraph (1) of this Article becomes vacant, it shall be filled by nomination of the Governor-General in accordance with paragraphs (4) (5) and (6) of this Article.

SCHEDULE

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THE SCHEDULES

SCHEDULE I

States merged in the Province of Madras.

Name of States	Number of seats in the Legislative Assembly
Pudukkotai	2
Banganapalle	
Sandur	

SCHEDULE II

States merged in the Province of Bombay.

No. of seats in the Legislative Council	Names of States	Number of seats in the Legislative Assembly
4	Baroda	23
1	Rajpipla ^o	6
	Baria	
	Chhota-Udepur	
	Bhaderwa	
	Sanjeli	
	Tharad	
	Wao	
	Ambaliara	
	Ghodasar	
	Ilol	
	Khatosan	
	Khadal	
	Mohanpur	
	Punadra	
	Ranasan	
	Sudasna	...
	Valasna	...
	Varsoda	...
	Vasna	...
	Malpur	...
	Mansa	...

No. of seats in the Legislative Council	Names of States	Number of seats in the Legislative Assembly
1	Idar Vijayanagar Danta Palanpur Radhanpu	 6
	Bansda Dharampur Jawhar Surgana	 2
1	Cambay Sachin	 1
	Sant Lusawada Jumbugodha Balasinor	 2
1	Kolhapur	... 8
1	Sangli Jath Kurundwad (Jr.) Kurundwad (Sr.) Miraj (Jr.) Miraj (Sr.) Aundh Phaltain	 2 1 2 1
1	Bhor Janjira Akalkot Sawantwadi Jamkhandi Mudhol Ramdurg Savanur Wadi	 1 1 1 2 1

SCHEDULE III

States merged in the Province of Bihar.

Names of States		Number of seats in the Legislative Assembly
Kharssawan	}	1
Seraikella		

SCHEDULE IV

States merged in the Central Provinces and Berar.

Names of States		Names of States in the Legislative Assembly
Bastar		4
Kanker		1
Raigarh		2
Surguja		3
Jashpur		1
Changbhakar ,	}	1
Korea		
Chhuikhadan	}	3
Kawardha		
Khairagarh		
Nandgaon		
Makrai	}	2
Sakti		
Sarangarh	}	2
Udaipur		

SCHEDULE V

States merged in the Province of East Punjab.

Names of States		Number of seats in the Legislative Assembly
Loharu	}	1
Dujana		
Pataudi		

SCHEDULE VI

States merged in the Province of Orissa.

Names of States		Number of seats in the Legislative Assembly
Mayurbhanj		6
Bamra		1
Dhenkanal		2
Kalahandi		4
Nayagarh		1
Patna	...	4
Bonai	...}	
Gangpur	...}	3
Keonjhar	...}	
Nilgiri	...}	4
Athgarh	...	
Baramba	...}	
Daspalla	...}	
Hindol	...}	
Khandpara	...}	
Narsingpur	...}	
Ranpur	...}	3
Tigiria	...}	
Pal-Lahara	...}	
Talcher	...}	
Athmallik	...	
Baudh	...}	
Rairakhol	...}	3
Sonepur	...}	

C. RAJAGOPALACHARI
Governor-General

K. V. K. SUNDARAM
Secretary.

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